



April 18, 2007

Michael Elabarger
Loudoun County Department of Planning
1 Harrison Street, S.E.
Third Floor
Leesburg, VA 20175

RE: Townes at Autumn Oaks; ZMAP 2006- 0038

Dear Mike:

This letter constitutes our response to the Staff and Agency second review comments that we have received to date regarding the above-referenced rezoning application. The Staff/Agency review comments are addressed below in chronological order. Each comment is summarized (noted in *italics*) and followed by our response.

Environmental Review Team

- 1) *The Army Corps of Engineers issued Jurisdictional Determination #02-B0121 on September 25, 2002, confirming a wetland delineation performed by Wetland Studies and Solutions for the project. Please update Note 9 on Sheet 4 to reference the approved Jurisdictional Determination as the source of the wetlands information depicted on the plan (e.g., Jurisdictional waters and wetlands depicted on the plan were delineated by Wetlands Studies and Solutions and confirmed by Army Corps of Engineers JD #02-B0121, issued on September 25, 2002).*

Response: Note 9 on Sheet 4 of the CDP has been updated as requested.

- 2) *The existing channel that bisects the southern portion of the site has been altered, is experiencing significant bank erosion, and is currently inadequate to convey runoff through the site. The County desires to protect river and stream corridors by preserving, conserving, and restoring their water quality, flood protection, aquatic and wildlife habitat, and scenic value (Revised General Plan, Page 5-5). Therefore, staff recommends that the applicant provide a stream restoration commitment to both improve the capacity of the existing channel to adequately convey runoff and to restore the natural integrity of the stream in conjunction with the proposed development. Staff further recommends that interpretive signage describing the stream restoration project and the benefits of riparian buffers and forested wetlands be provided at appropriate locations along the proposed pedestrian trail.*

Response: The aforementioned channel has been determined by the U.S. Army Corps of Engineers to be non-jurisdictional. In order to accommodate the entry drive and a community play field in the location identified on the CDP, the stream may need to be piped.

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Finally, it is Applicant's understanding that the "streams" are actually upland drainage ways and therefore we believe that interpretative signage is not necessary.

- 3) *Staff recommends that a commitment be provided specifying that trails proposed adjacent to the riparian corridor will be constructed of pervious material and that boardwalk crossings will be provided in areas where the trail crosses jurisdictional waters and wetlands as shown on the Concept Development Plan.*

Response: Acknowledged; the appropriate language has been added to the proffers.

- 4) *Please update the Soil Types table on Sheet 4 to reflect the soils identified on the property and make the following corrections:*

- *Remove Mapping Unit 64B*
- *Add Mapping Unit 69A*
- *Update the Hydric Soil Group and Type for Mapping Unit 62B*
- *Update the Type for Mapping Unit 67B*
- *Update the Hydric Soil Group for Mapping Unit 79A*

Response: Acknowledged and revised accordingly.

- 5) *Please add the location of the specimen trees identified on the property and the proposed water and sewer on the Concept Development Plan – Combined Plan (Sheet 7) to facilitate staff review and analysis of potential Tree Conservation Areas.*

Response: Acknowledged and revised accordingly. Public water and sewer will serve the Property and the tree conservation proffer language affords reasonable and standard flexibility for the provision of water and sewer at the Property, even through tree conservation areas. Notwithstanding the foregoing, Applicant has indicated estimated alignments of public water and sewer on the plan, subject to change with final engineering.

- 6) *The Forest, Trees, and Vegetation Policies of the RGP encourage the preservation of existing vegetation (Page 5-32). Staff notes that Tree Conservation Areas are not currently identified on the plan. Staff recommends that the forested riparian corridor, existing vegetation within perimeter buffers, and specimen trees located within undisturbed areas (e.g., T4 & T5 and T13-T15) be incorporated into designated Tree Conservation Areas. Staff further recommends that Tree Conservation Areas be identified on the Concept Development Plan and that a commitment be provided consistent with the Sample Tree Conservation Area Language (attached) approved by the County Arborist to ensure the preservation of identified Tree Conservation Areas. Specific arborical treatment for the preservation of individual specimen trees should also be identified.*

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Response: Acknowledged and as set forth above, Applicant has incorporated appropriate tree conservation language into the proffers.

- 7) *Staff recommends that the 6-foot tall screen fence depicted along the western property boundary be relocated in closer proximity to the proposed trail to facilitate the preservation of additional vegetation in this area. Staff further recommends that the trail location be revised as needed to facilitate the preservation of Specimen Trees T13-T15 in this area. Staff notes that Virginia Pines present in this location should be removed due to the potential for damage due to wind-throw.*

Response: The 6-foot tall screen fence has been moved closer to the perimeter of the Property to help preserve vegetation as well as provide a hard boundary between the Townes at Autumn Oaks community and the surrounding non-residentially zoned properties. The trail is shown located to the east of the fence and will be further adjusted at the time of construction to avoid significant trees.

- 8) *Staff recommends that evergreen plantings be incorporated into the northeast corner of the development and within the open space areas located along the eastern property boundary to provide additional screening for the project and to recapture lost forest canopy.*

Response: Applicant shall comply with the required canopy requirements at the time of site plan.

- 9) *Given the proximity of the project to the Oak Grove Baptist Church, staff recommends that the applicant consider incorporating Oak plantings from species with historic significance within community greens in conjunction with interpretive signage describing the heritage of the individual trees.*

Response: Applicant is not aware of any oak plantings with historic significance to this area but has recently visited the church site and determined that only eight oak trees exist on such property. However, Applicant will be preserving at least two specimen oak trees on the Property and has identified substantial tree conservation areas within which Applicant believes numerous oak trees exist.

- 10) *One Stormwater Management (SWM)/Best Management Practice (BMP) pond is currently depicted on the Concept Development Plan. Additional information is needed regarding the type of facility proposed consistent with Item K.4. of the Rezoning Checklist. Staff recommends that a wet pond, which has an increased pollutant efficiency and is more aesthetically pleasing, be used to satisfy SWM/BMP requirements. In addition, staff notes that this facility is currently located within 10 feet of a forested wetland. A minimum 50-foot riparian buffer should be preserved adjacent to the existing wetland to minimize the effect of the proposed development on water quality. In addition, the Virginia Stormwater Management Handbook recommends that trees and shrubs be located at least 25 feet beyond the toe of the embankment to improve safety and reduce long-term maintenance.*

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Response: Applicant's resubmission provides additional information regarding the stormwater management facility proposed. Applicant concurs with Staff that a wet pond would be most appropriate for this community and will be happy to build a wet pond to handle the site's needed stormwater management and BMP requirements, if permitted at the time of site plan.

Applicant will maintain a 50' riparian buffer adjacent to the existing wetland and will ensure that trees and shrubs are located at least 25 feet beyond the toe of the embankment.

- 11) *Please add the locations of the two archaeological sites identified on the property (Site 44LD927 and 44LD928) to the Existing Conditions Plat and the Concept Development Plan – Combined Plan (Sheet 7). In addition, please add a note on Sheet 4 identifying the Phase 1 Archaeological Investigation completed by Thunderbird Archeological Associates in September 2002 as the source of the archaeological information depicted on the plan. Staff notes that the consultant did not recommend further work for either of the identified sites and defers to Heidi Siebentritt, Preservation Planner, for further analysis of these sites and the other archaeological resources identified on the property.*

Response: Acknowledged and appreciated. The two archeological sites have been added to Sheets 4 (Existing Conditions and Green Infrastructure Map) and 9 (CDP- Combined Plan). A note has been added to sheet 4 identifying Thunderbird as the source of this information.

- 12) *Staff is embarking on a project to map and inventory wetlands and cultural resources located within Loudoun County. We are requesting that the development community contribute digital data to this effort. Specifically, two separate digital data layers are requested, one depicting the wetland delineation confirmed by the Army Corps of Engineers (including jurisdictional waters and wetlands and the study limits) and the other locating the sites and structures identified in the Phase 1 Archaeological Survey. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable, if available. Documentation on the digital data (e.g., map scale, age, etc.) is requested.*

Response: Applicant will provide the information that it has at the time of approval of the first site plan. Please see the enclosed proffers for the draft language.

- 13) *Please update Note 7 on Sheet 4 to remove the reference to the Airport Impact Overlay District.*

Response: Acknowledged and revised accordingly.

- 14) *Please expand Note 14 on Sheet 4 to note that the site is subject to the disclosure requirements of Section 4-1800 of the Revised 1993 Zoning Ordinance (Quarry Notification Overlay District).*

Response: Acknowledged and revised accordingly.

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15) Please correct the typographical error "will be provided project" in Note 10 on Sheet 1.

Response: Acknowledged and revised accordingly. Please note that Sheet 1 is now Sheet 6 in the resubmitted plan set.

Department of Zoning Administration

1. *SECTION 6-1211(E)4 - Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned - Staff notes that the proposed increased density will increase school sizes, affect traffic volume and other infrastructure in the area. Staff asks that the Applicant address this, and defers to Community Planning and OTS (Office of Transportation) for comment on this. Further, Staff defers to other referral agencies such as Loudoun County School Board, Library Services, Parks and Recreation to comment on the adequacy of schools and other facilities for the development.*

Response: Acknowledged.

2. *SECTION 6-1211(E)7 – The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas – It is noted that increasing the density through the rezoning process to allow up to 132 residential units to be built on the property instead of the 17 residential units permitted by right will increase the volume of traffic in the vicinity.*

The applicant's Statement of Justification (page 2) specifies that access to the development will be provided at Trefoil Lane and Grammercy Lane along the eastern edge of the property. Due to the location of the site, all construction traffic will access the property through the existing Grovewood development via the mentioned Lanes. Staff would therefore recommend more specific measures to mitigate the impact of construction traffic on the surrounding area. Limiting the hours during which construction traffic may enter and exit the site is one measure. The applicant should also address how construction traffic will enter and exit the property during construction. Staff would recommend that an on-site roadway be constructed prior to any land disturbing activities. A provision for such roadway should be included in the applicant's proffer statement. Zoning Staff further defers to OTS and VDOT for comments on the impact of the rezoning proposal on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.

Response: Acknowledged. Applicant addresses the comments from OTS and VDOT elsewhere in the letter. Further, appropriate language regarding construction traffic has been included in the draft proffer statement, included with this letter.

By way of summary, construction to the Property traffic will access the site from Trefoil Lane, a public right-of-way which does not bifurcate the Encore at Oak Grove community.

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3. SECTION 6-1211(E)8 – *Whether a reasonable viable economic use of the Property exists under the current zoning.– The Applicant could potentially built up to 17 residential units as a by-right development.*

Response: Acknowledged. Applicant respectfully submits that given the surrounding uses and densities, the development of the property with seventeen residential units is not a viable economic use of the Property. Applicant is working on preparing a context map which will also demonstrate the surrounding densities.

4. SECTION 6-1211(E)9 - *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality. The site does not contain any floodplain, but has areas of hydric soils and wetlands. The requirements of the U.S. Army Corps of Engineers will need to be met with regard to wetlands. Zoning encourages the preservation of all existing wetlands and riparian corridors whenever possible. The property also has areas of existing tree cover that includes mixed hardwood, Virginia Pine and Bottomland hardwood, and Staff encourages utilization of existing vegetation when providing any required planting. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved, and show such areas on a proffered plan.*

Response: Applicant has delineated areas of tree preservation on the concept development plan and has incorporated language regarding tree conservation in the draft proffers, included herewith. Further, Applicant has identified approximate limits of clearing and grading on the draft plan.

Applicant further acknowledges that it will comply with the requirements of the U.S. Army Corps of Engineers with regard to wetlands.

5. SECTION 6-1211(E)12 - *Whether the proposed rezoning considers the current and future requirements of the communities to land for various purposes as determined by population and economic study – Staff questions if the Applicant has looked at the requirements of the community and surrounding areas for the need and adequacy of commercial, business and office land in the area as opposed to residential units. The Applicant has noted in the Statement of Justification (page 6) that the proposed application is a response to the issue of housing availability and affordability in the County. Staff defers to Community Planning and Housing Services to comment on this.*

Response: The Property was redesignated for residential uses on the County's Planned Land Use Map in July of 2005. Additionally, the Property is currently zoned for residential development. Given the adjacent density of approximately 12 du/ acre, rezoning this Property to the proposed density is not only appropriate but in accord with the County's vision for this area.

Further, as was presented during the deliberations of the CPAM referenced above, this Property is not viable for commercial uses given the proximity of residential development and the fact that commercial traffic would need to use residential streets to access this site.

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6. SECTION 6-1211(E)15 - *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County. – The Applicant is proposing to provide 17 single family attached units (Sheet 6 of the rezoning plan set). See Part V of this referral for comments.*

Response: See below.

7. *It is noted that the Applicant is proposing single-family attached residential units only, with no supporting non-residential uses or other residential unit types. Pursuant to Section 4-101 of the Ordinance, the Planned Development-Housing district is established to provide for a variety of single and multi-family housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community. As noted in earlier zoning referral comments with regard to the Comprehensive Plan Amendment application, CPAM 2004-0007, Pearson Reserve, Staff believes that the most appropriate zoning district to achieve the proposed density and dwelling type is the R-8 district, in accordance with Sections 3-500 and 7-800 of the Ordinance. Therefore, Staff recommends that the property be rezoned to this district.*

Response: Applicant respectfully submits that the PDH-6 zoning district is more appropriate for this Property than the suggested R districts. Applicant believes that it is supporting the vision of the PD-H district by creating a strong community with concentrated open space and a strong streetscape. Further, this Property should be evaluated in the context of all surrounding properties, which provide adequate supportive commercial uses along Rock Hill Road, Oak Grove Road and Route 606.

8. *Pursuant to Section 4-102, a PD-H6 district, when mapped, shall be no less than twenty-five (25) acres. The proposed application only contains 17.89 acres. Therefore, a modification of this section is required to allow the district to be less than 25 acres. When requesting the modification, provide a justification and explain how such modification to the existing regulation will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations.*

Response: Acknowledged. The noted modification is included with the updated statement of justification.

9. *It is noted that the Applicant has not addressed the four 'timings of development' criteria required by Section 4-103 of the Zoning Ordinance.*

Response: Please see the updated statement of justification.

10. *Zoning defers to the Office of Transportation Services (OTS) to determine if principal vehicular access points are designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic [§ 4-109(A)].*

Response: Acknowledged.

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11. *Section 4-109(C) – Depict and label the required Type 2 Buffer Yard on the Concept Development Plan (CDP). It is noted that the Applicant has requested a modification of this section. See part VII of this referral for comments.*

Response: Acknowledged and revised accordingly.

12. *Please note the requirement of Section 4-109(B) regarding impediments to visibility within the visibility triangle required in Section 5-300(B) or VDOT standard, whichever is greater.*

Response: Acknowledged and the appropriate language is in note 17 of page 6 of the CDP.

13. *The Applicant has requested a modification of Section 4-109(E) to permit maximum building heights of specific units on the eastern edge of the Property adjacent to Crown Alley and on the northeastern edge of the Property adjacent to vacant land to cross through the imaginary plane. See Section VII for comments on the zoning modification.*

Response: Acknowledged. See below for our responses.

14. *Include a note on the CDP stating that residences to be served by private roads shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. In addition, please note that the record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads. Further, please note that sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads (Section 4-110(B)).*

Response: Acknowledged and appropriate language has been added to the CDP and the Proffers. Please see Note 18 on Sheet 6.

15. *Demonstrate that streets, drives, parking and service areas provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal in accordance with Section 4-110(C).*

Response: Applicant has designed the streets to a size and design to accommodate these services in accordance with FSM and VDOT standards. The main roadway network is a loop which should eliminate the need for any such service vehicles to back up. Applicant respectfully submits that the proposed plan complies with these requirements.

16. *Pursuant to Section 4-110 (F), ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Access ways to be used by children as routes to school or other destinations shall be so located and safeguarded as to minimize contacts with*

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automotive traffic. The Applicant should demonstrate compliance with this section of the Ordinance.

Response: Applicant has designed the community with ample foot paths and sidewalks throughout the community so as to reduce the likelihood of pedestrians using the roadways for walking. Additionally, the community is connected with all surrounding residential communities by sidewalks.

17. The rezoning plan set should state in the Tabulation Sheet or Notes Section, that the development will be developed in accord with all regulations for the R-8 Zoning Districts of the Revised 1993 Loudoun County Zoning Ordinance. All subsequent Subdivision Plans or Site Plans must show how the R-8 zoning district requirements are met.

Response: Acknowledged. Please see Note 3 on Sheet 6.

18. Pursuant to Section 3-502, the district shall be located with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services. Demonstrate conformance with this section of the Ordinance.

Response: As stated above, Applicant has designed the community with sidewalks throughout the community, as well as trail networks. Such pedestrian connections allow the residents of the community to access offsite improvements, the W&OD Trail and the Oak Grove Baptist Church, among other uses. As referenced above, Applicant is preparing a context map which will further illustrate the relationship of the Property to surrounding properties.

19. Pursuant to Section 7-801, the maximum permitted density is 9.6 dwelling units per acre. Sheet 6 of the rezoning plan depicts a permitted maximum density of 7.2 dwelling units per acre while Sheet 2 of the Statement of Justification noted that the proposed density is 7.16 dwelling units per acre. Correct/clarify this.

Response: Acknowledged and revised accordingly. Sheet 5 states that the density of the Property is 7.16 dwelling units per acre.

20. Section 3-508(B), Building Height –A modification of this Section is required in addition to the modification request for building height in the PD-H district. However, it is noted that Sheet 6 of the rezoning plan depicts a maximum building height of 35 feet. Please correct/clarify this.

Response: Applicant has decided to request a modification of this section in accordance with Staff's note.

21. Pursuant to Section 3-508(C), no one structure shall contain more than 8 dwelling units. Provide a note to this effect on the proposed CDP.

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Response: Acknowledged and the appropriate note has been added to the CDP. Please see Note 19 on Sheet 6.

22. *The Applicant must demonstrate that active recreation space is accessible to all residents by means of internal pedestrian walkways (§ 7-800(E)).*

Response: Applicant has revised the plan to address this concern and respectfully submits that the active recreation space is accessible to all by means of internal pedestrian walkways.

23. *Per § 7-103, the Applicant is required to provide 12.5% affordable dwelling units and could avail of a 20% bonus density for single family detached and single family attached units (§ 7-103(A)). The Application proposes a total of 132 single family attached units to include 17 affordable dwelling units on approximately 17.89 acres.*

Response: Acknowledged.

24. *The Applicant must note that Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development.*

Response: Acknowledged. Applicant shall comply with the affordable dwelling units regulations.

25. *SECTION 4-1800, Quarry Notification (QN) Overlay District - The property is located within the Quarry Notification Overlay District, and as such must meet the requirements of Section 4-1800 of the Zoning Ordinance. Also §4-1804 Disclosure states: "...the owner shall disclose in writing to all prospective purchasers that they are located within an area that may be impacted by quarry operations and blasting. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in homeowner association documents, and displayed on all subdivision and site plans, and within all Deeds of Conveyance." Provide a note to this effect.*

Response: Acknowledged. The requested note can be found at Note 21 on Sheet 6.

26. *SECTION 4-1400 AIRPORT IMPACT (AI) OVERLAY DISTRICT - The Applicant states that the property lies within the Airport Impact (AI) Overlay District (Note # 7, Sheet 4). However, County records indicate that the property lies outside the limits of the AI Overlay District. Clarify.*

Response: Acknowledged. This oversight has been corrected as the Property is located outside of the AI Overlay District.

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27. **Section 6-1502, Purpose** - Staff defers to Comprehensive Planning to determine if the design of the proposed development promotes achievement of the stated purposes of the Comprehensive Plan and is consistent with the Revised General Plan.

Response: Acknowledged.

28. **R-8 Minimum Buffer Modification, § 3-509(C)**, A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.

Response: Acknowledged.

29. **PD-H District Site Planning – External Relationships, § 4-109(C)**, Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:

(1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,

(2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

PD-H District Site Planning – Internal Relationships, § 4-110(I), Where residential uses in a PD-H district adjoin a single-family residential, agricultural, residential district or land bay allowing residential uses, the development shall provide for either:

(1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,

(2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

Proposed Modification – The Applicant has requested a modification to reduce the required permanent common open space to less than 50 feet. This reduction is specifically requested on the eastern edge of the property, adjacent to Crown Alley and on the northeastern edge of the Property adjacent to vacant residentially zoned land.

Applicant's Justification – The proposed layout orients residential development to the east allowing the provision of an open space buffer on the western boundary of the property which far exceeds the requirement. This assists in the preservation of existing vegetation and along with the provision of screening, creates a physical barrier to the Townes at Autumn Oaks and helping the resistance of the residential rezoning and non-residential land to the west. This

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orientation has prevented the provision of the full requirement of the open space buffer on sections of the eastern edge of the property.

The Applicant states that units proposed on the eastern edge of the property have been carefully positioned adjacent to public open space on neighboring properties. By positioning the community closer to the residential development to the east, the Applicant can create synergy with this adjacent community while preserving good existing tree cover along the western property boundary, adjacent to the non-residentially zoned property.

Staff comment – Staff notes that a modification of Section 4-110(I) is not required as that section specifically relates to the internal relationship of land bays or zoning districts within the proposed PD-H district. As this proposal is for one zoning district (PD-H6), administered as one district (R-8), and one land bay, a modification of this section does not apply. Please remove this section from the modification request.

It is not clear to Staff as to the extent of the modification and the proposed width of the reduced buffer. Staff asks that the Applicant depict the width of the reduced buffer, the limits of the modification request on the CDP, or, on a separate sheet. Staff notes the provision of large amounts of open space strategically placed through the development, and the Applicant's intent to preserve the existing vegetation on the southern portion in and around the areas of wetlands as well as on the western portion adjacent to the existing powerline. Staff asks that the existing vegetation to be preserved is depicted and labeled on the CDP and included in the proffer language, and that the Applicant note the additional amount of open space provided in addition to the required amount of open space before Staff can support this modification request.

Response: In accordance with Staff's direction, Applicant is removing the modification of Section 4-110(I). We appreciate Staff's confirmation that such modification is not necessary.

Applicant is requesting the modification of Section 4-109(C) along the eastern and southern boundaries of the site. Applicant is requesting the reduction of the buffer on the eastern boundary so as to properly integrate both the subject Property and the adjacent Encore at Oakgrove community. As demonstrated on the existing conditions sheet of the enclosed plan set, the eastern boundary of the site is not heavily vegetated. However, where possible, Applicant will retain existing tree cover and supplement such tree cover with additional vegetation to create a Type II buffer yard.

With regard to the requested buffer reduction on the southern boundary of the site, Applicant is requesting to modify the required fifty foot buffer between the public road entrance to the site and the southern boundary. This modification is needed to accommodate the entrance road.

30. PD-H, Planned Development-Housing, § 4-109, Site Planning-External Relationships, subparagraph (E), **Height limitations at edges of PD-H district** Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every two (2) feet of horizontal

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distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary plane.

Proposed Modification - *Request modification to permit specific units on the eastern edge of the property, adjacent to Crown Alley and on the northeastern edge of the Property adjacent to vacant land are permitted to cross through the imaginary building line.*

Applicant's Justification – *The proposed layout orients residential development to the east allowing the provision of an open space buffer on the western boundary of the property which far exceeds the requirement. This assists in the preservation of existing vegetation and creates a physical barrier and screen to non-residential land to the west. This provision of open space has resulted in proposed residential units on the eastern boundary of the Property being located in close proximity to the Property boundary.*

The proposed residential development has been carefully designed to integrate with the existing residential community to the east. This has allowed a unified streetscape extended along Grammercy Terrace and will result in one community rather than two separate residential neighborhoods. The Applicant believes that there will be no boundary lines between existing and proposed residential areas and as such, specific properties on the eastern and northeastern edge of the proposal should be permitted to cross through the imaginary building line.

Staff comment – *Staff concurs and can support this modification request. However, Staff asks the Applicant to identify the specific units mentioned above. In addition to this section, Staff asks that the Applicant request a height modification of the R-8 district § 3-508(B).*

Response: Applicant appreciates Staff's support of this modification. In accordance with Staff's suggestion, Applicant has amended the application to modify the maximum height to 40 feet.

31. **Section 6-1508, Contents of an approved Concept Development Plan.** *The concept development plan must be revised to depict the following for the PD-H district: **Perimeter treatment.** The CDP must demonstrate how the design and arrangement of perimeter areas mitigates the impact of the project upon adjoining properties. It is noted that the Applicant is proposing a 6-foot tall screen fence on the northwestern portion of the property adjacent to the Chantilly Crushed Stone Inc. Staff suggests that the Applicant depicts the buffer yard type proposed adjacent to this property.*

Response: Applicant has noted a Type IV buffer yard to the boundary with Chantilly Crushed Stone. Please see the revised statement of justification for a modification to the Type IV buffer standards. Applicant seeks to modify the plantings required by Section 5-1414(B)(4) by retaining existing vegetation and committing to a six foot high fence along such boundary.

32. **SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS** - *On Sheet 6, the Applicant has shown the amount of required parking spaces for the proposed single family attached units, but added a note stating that the total number of parking spaces is subject*

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to change with final engineering. Please note that the number of parking spaces must meet the minimum requirement of the Zoning Ordinance. It should also be noted that garages and driveway count towards parking spaces. If garages are proposed to meet parking requirements, Staff recommends that the Applicant include a covenant to preclude conversion of garages to living space.

Response: Acknowledged. Applicant will include such restriction in the proffer statement, enclosed.

33. SECTION 5-1300, TREE PLANTING AND REPLACEMENT - *At Final Site Plan, the planting and replacement of trees on-site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be twenty (20) percent tree canopy for sites zoned PD-H and R-8 for single family attached units with densities of three (3) to ten (10) units per acre. Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Since this site has existing vegetation, Staff recommends that existing viable stands of trees will be preserved to the greatest extent possible and depicted on a proffered Concept Development Plan (CDP).*

Response: Acknowledged. Applicant has identified the proposed tree conservation area on the enclosed revised CDP and appropriate tree conservation language has been included in the draft proffers.

34. SECTION 5-1400, BUFFERING AND SCREENING - *The presentation and approval of a landscape plan is addressed at site plan. However comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409 of the Ordinance, unless a specific condition of approval is added prohibiting such a request.*

Response: Acknowledged. Additionally, please see the additional justification for a requested modification of the Type IV buffer requirements.

35. *The Applicant has delineated the open space areas in the development. Staff notes that the proposed open space areas primarily consist of perimeter buffers, tot lot areas and wetland areas. Clarify and describe the character of the open space, the town green civic space and the proposed active recreation on the CDP sheet including the play field area [Checklist # 7, § 4-111(A)].*

Response: Applicant has redesigned the site and the location of the open space areas so as to be located throughout the community and located in a consolidated fashion at the southern entrance to the Townes at Autumn Oaks. The character of the civic and open space is described in greater detail in the proffer statement.

36. *The Applicant has not provided any proffers to date. If the Applicant wishes to submit proffers for consideration, they are required to be submitted as part of the Applicant's response*

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to the first written review of the issues (6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (6-1209(A)(2).

Response: Proffers are included with this submission. We look forward to receiving Staff's comments thereon.

37. *If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.*

Response: Acknowledged. Please see the enclosed proffers.

38. *On the Cover Sheet (note # 2), please include the Quarry Notification (QN) Overlay District. Similarly include this information on Sheet 3, Note # 1.*

Response: Acknowledged and revised accordingly.

39. *On the Cover Sheet (note # 3), please state the correct Ordinance sections 7-800 and 3-500.*

Response: Acknowledged and revised accordingly.

40. *On the Cover Sheet (note # 10), correct the first sentence to read ".....will be provided for the project."*

Response: Acknowledged and revised accordingly.

41. *On the Cover Sheet (note # 13), Staff recommends that the note be revised to indicate that the site layout is subject to change due to final architectural and engineering design only.*

Response: Acknowledged and revised accordingly.

42. *On Sheet 2 of the rezoning plan set, correct the property owners for #s 84, 85, 86, as County records indicate that the property owner is "Transduller Land LLC". On the same sheet, correct the property owner for # 83 to "Brooks Assemblage HOA". Please verify that the current property owners for residential units in the Grovewood development are the same as listed on Sheet 2 of the rezoning plan set.*

Response: Acknowledged and revised accordingly.

43. *On the Rezoning Plat (Sheet 3) clearly depict and label the metes and bounds for the PD-H6 district, so that the new zoning district can be mapped, if approved.*

Response: Acknowledged and revised accordingly.

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44. On Sheets 3, 4, 5, 6 & 7, the parcel to the north of the proposed development is identified as MCPI # 034-40-3610, Loudoun Reserve. This is incorrect, as the actual MCPI # of the parcel is 033-10-4819 and the zoning is PD-IP. Similarly, the parcel identified as MCPI # 033-10-4819 should be corrected to MCPI # 033-10-8216.

Response: Acknowledged and revised accordingly.

45. According to County records, the parcel identified as MCPI # 024-45-0681, Centex Homes should be MCPI # 024-45-0991, Brooks Assemblage HOA. Similarly, for MCPI # 024-45-4473. Correct/clarify this on all applicable Sheets.

Response: Acknowledged and revised accordingly.

46. On the Rezoning Plat (Sheet 3), correct note # 2 to indicate Section 7-800.

Response: Acknowledged and revised accordingly.

47. On Sheet 4, provide a legend for proposed contours.

Response: Acknowledged and revised accordingly.

48. Distinguish the legend provided for the 'project limit' area from the 'tree stand boundary' on Sheet 4, as they appear to be the same.

Response: Acknowledged and revised accordingly.

49. Pursuant to the Facilities Standards Manual (FSM) and VDOT, the minimum requirement for sidewalk width is 5 feet. The Illustrative on Sheet 5 depicts a sidewalk width of 4 feet. Please revise this.

Response: Acknowledged and revised accordingly.

50. Provide a legend for the different letters depicted on the proposed CDP on Sheet 7.

Response: Acknowledged and revised accordingly.

51. The CDP (Sheet 7) appears to depict a 25-foot wide aisle and a 39-foot right-of-way for the proposed private streets in the development. Zoning defers to Engineering Division to determine accuracy of this right-of-way width.

Response: Acknowledged.

52. Pursuant to Article 8, definitions, "active recreation space" includes tennis courts, swimming pools, tot-lots, outdoor games and sports activities etc. It appears that the only type of active recreation uses included in this application is the tot lot. Staff recommends that the Applicant clarify what is included in "active recreation" proposed for the development.

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Response: Applicant shall develop the tot lot and shall include such other uses as are permitted by Article 8 of the Zoning Ordinance in order to meet the active recreation requirement.

53. *The proposed CDP (Sheet 6) depicts the area of the site as 18.43 acres while the Statement of Justification (page 1) states that the property totals 17.89 acres. The County's land record system (LMIS) depicts the total acreage of the site as 17.82 acres. Clarify this inconsistency.*

Response: Acknowledged. The total acreage of the site is 18.43 acres and the statement of justification has been revised accordingly.

Community Planning

2. Land Use Mix

Staff recommends the applicant include the right amount of civic and public space within the development to meet the recommended land use mix for HDR development. Civic/public uses are defined as public or quasi-public institutional uses in residential or business areas that primarily serve the immediate community and that, due to their small size, design, and limited ancillary activities, are compatible with the surrounding residential or business uses. Examples of such uses include churches, fire and rescue facilities, schools, day care centers, group homes, community centers, post offices, and community club houses (Revised General Plan, Glossary, p. G-2).

The RGP does allow for the rezoning of properties less than 50 acres (outside of Keynote Employment designations) to vary from the land use mix by surveying the land uses within a 1,500-foot radius of the site, demonstrating that an alternative land use mix is appropriate for the site, and including a mix that fulfills one or more needs within the larger, surrounding community (Revised General Plan, Policy 8, p. 6-7). Even if a variation from the recommended land use mix is proposed, the development should continue to achieve several county policy and design objectives for both HDR and Residential neighborhoods as identified in the Revised General Plan, Revised Countywide Transportation Plan, and the Bike/Ped Plan. Several of these objectives are expanded upon in Section C below.

Response: Applicant respectfully submits that the appropriate amount of civic and public space is being provided with the revised plan. Please see the CDP for further illustrations of the proposed pavilions and the community greens located adjacent to the pavilions which can be used as places of gathering for the community. Applicant believes that these provided areas can be supplemented by the civic and public uses provided in the vicinity of the project, including the HOA building in the adjacent Encore at Oak Grove residential community.

3. Open Space

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The overall density proposed for Parcels 1 and 2 does not exceed the maximum density allowed per the Pearson Reserve CPAM (CPAM 2004-0007). Based on the size of the subject site, no more than approximately 1.4 acres of open space can be perimeter open space. Staff recommends the applicant provide a more specific breakdown of open space in the CDP (including the size and percentages of interior and perimeter open space) that demonstrates the development is staying below the maximum 25%, perimeter open space requirement policy of the plan.

Response: Applicant has provided the additional detail requested by Staff. Please see Sheet 6 of the CDP for further information.

1. Streams and Wetlands

Staff recommends the applicant commit to stream bank and stream bed restoration that will improve its ability to adequately convey stormwater run-off and enhance the natural and aesthetic functions of the stream corridor.

Response: Applicant has committed to appropriate stormwater management techniques and such techniques will be determined at the time of site plan approval in accordance with the requirements of the Facilities Standards Manual. The area to which Staff refers will be left largely in its natural state.

2. Forest Cover

Plan policies support the preservation of forest cover and vegetation adjacent to the intermittent stream and wetlands to act as a riparian buffer to reduce sedimentation and erosion and protect the surface water quality of the stream and the larger Broad Run watershed. Staff recommends the applicant commit to tree conservation areas on the Concept Development Plan that include: 1) Preserving forest stands at the southern portion of the subject site and adjacent to both sides of the intermittent stream and associated wetlands, 2) Preserving existing forest stands along the perimeter of the development to the maximum extent possible, while enhancing the perimeter buffer with additional evergreen plantings, 3) Relocating the 6-foot screen fence to the boundary of the development, 4) Minimizing the impact of pruning and clearing of forested cover and specimen trees for trail construction; and 5) Identifying the location of the subject site's specimen trees on the Concept Development Plan and integrating them into the site design of the development.

Response: Acknowledged. Applicant directs Staff to the CDP which identifies areas of tree conservation, the treatment of which is further defined in the enclosed proffers. Applicant has included forest stands in the southern portion of the Property in the proposed tree conservation area and has committed to the preservation of existing forest stands along the perimeter of the development to the maximum extent possible. Due to the fact that the existing forest cover is dense and mature, Applicant believes that such forest cover should not be supplemented with additional evergreen trees. Applicant has further committed to the relocation of the 6-foot screen fence the perimeter of the development. Applicant directs Staff to the proffers for language regarding tree conservation efforts. Finally, Applicant has

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identified specimen trees throughout the site and has integrated such trees into planned areas of open space throughout the community.

3. Stormwater Management

Staff recommends relocating the pond outside of the riparian buffer towards the playfield and closer to the roadway. Staff also recommends providing a vegetative buffer around the pond, and in particular, adjacent to the wetland. Relocating the pond and providing a vegetative buffer will increase the effectiveness of the riparian buffer by expanding the area necessary for trapping sediments and pollutants. Since the general location of the pond is in such a highly visible location, the applicant should consider a retention pond ("wet pond") for both aesthetic reasons and increased pollution removal efficiency.

Response: Applicant has relocated the stormwater management pond outside of the riparian buffer, per the request of Staff. Applicant believes that such relocation is more attractive and provides a greater visual amenity for residents of the community. In accordance with making a visual statement for the enjoyment of all residents, Applicant will not be planting an intensive buffer surrounding such pond. Finally, Applicant shall create a wet pond in this location, if permitted at the time of final engineering.

C. SITE DESIGN

1. Open Space

Plan policies support the preservation of the forest cover and vegetation on the subject site to the maximum extent possible. Staff recommends the applicant: 1.) Commit to preserving the natural, undeveloped, forested open space adjacent to the intermittent stream and wetlands at the southern end of the site as a riparian buffer, 2.) Remove the town green/civic space, tot lot, and park and recreational area from the riparian buffer, as these types of open spaces are incompatible with the interior of the riparian buffer, 3.) Relocate the town green/civic space and tot lot within the site to create more secure, accessible and integrated open spaces within the development, 4.) Commit to developing the SWM/BMP pond as a year-round amenity and as interior open space that could include a wet pond, placing a segment of the shared use trail within close proximity to the pond, and relocating the gazebo identified in the CDP adjacent to the pond, and 5.) Designing the "leftover space" adjacent to the north side of the Trefoil Lane access into the development as interior, passive open space that may include a landscaped pocket garden, garden benches, low seating walls, distinctive paving patterns, signage, public art, and water features that enhance the identity and character of the development.

Response: Applicant's revised plan identifies a significant area of natural, undeveloped, forested open space adjacent to the intermittent stream and wetlands at the southern end of the site. As stated above, Applicant shall create a wet pond in the southwestern corner of the site, if permitted at the time of final engineering. As noted on the enclosed revised CDP, Applicant has significantly redesigned the site to provide meaningful areas of open space throughout the Property and Applicant points out that each residential unit is within easy walking distance of a major area of open space. Finally, Applicant has redesigned the area

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just to the north of Trefoil Lane to include a small pavilion and area of passive enjoyment. Applicant envisions populating this area with any one or more of Staff's suggested elements (pocket garden, benches, signage, etc.).

2. Main Open Space

Staff recommends the applicant relocate the development's town green/civic space closer to the geographic center of the development. Staff suggests the applicant consider redesigning the open space identified in the CDP and located centrally within the development into the main open space of the neighborhood – either as a square, plaza, or green. Staff also recommends the applicant design the main open space in such a manner that it becomes a focal point and central gathering point for residents of the development by opening up at least 50% of the block perimeter to the surrounding streets. If the applicant is proposing to meet their recommended land use mix by incorporating civic/public uses into the development, staff recommends the applicant consider locating the building either within the main open space or adjacent to such space.

Response: As Staff may recall, the Property subject to this application was originally part of the Pearson CPAM, which redesignated this Property for high-density residential. In addition to the Property, the parcels located to the south of the subject Property were also included in the CPAM and were, at the time, envisioned to be developed as a single residential community. Although the owners of the parcels south of the Property are not a part of this application, Applicant has reason to believe that such parcels may be rezoned for residential development at some point in the future. Applicant's design of this community is intended to be responsive and sympathetic to the potential for such development. Should that parcel be rezoned as Applicant expects, this open space will be centrally located in the Property and will provide an attractive amenity for all residential development in this immediate area. Finally, please note the incorporation of a pavilion with internal seating to accommodate informal gatherings of the residents of the Townes at Autumn Oaks.

3. Tot Lots

Staff recommends the applicant relocate the proposed tot lots to reflect greater accessibility and safety for this age-specific, active, open space. Two options include relocating the tot lots within one of the blocks located near the western or northern perimeter of the subject site, or within the neighborhood green if one is proposed as the main open space. With the relocation of the proposed tot lot from Parcel 3, staff recommends leaving the parcel as open space, designating the parcel as a tree conservation area that can preserve the existing specimen trees and screen and buffer the neighborhood from adjacent residential development. Last, staff recommends the applicant provide more site design detail of the tot lots and commit on the Concept Development Plan to the minimum 5,000 square foot size, landscaped or structural safety barriers, and the types of equipment and other amenities on each site.

Response: The tot lot referenced by Staff is intended to serve the residents of the Property as well as residents of the adjacent Encore at Oak Grove community. When the community is viewed as a whole, Applicant believes that the tot lot referenced is

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centrally located. Applicant further believes that the retention of trees on Parcel 3 runs contrary to Applicant's vision of seamlessly integrating this residential community with the adjacent Encore at Oak Grove community. Finally, Applicant has identified the areas for the tot lot on the CDP and has described the tot lot in greater detail in the proffers. Applicant respectfully requests the flexibility to create the best possible tot lots at the time of final design and engineering and not required to develop such tot lots in accordance with preliminary and estimates made at this time.

4. Shared Use Trail

Staff supports the incorporation of a trail into the development to be used for neighborhood recreational and fitness activities and to enhance the subject site's appreciation for the wetlands and intermittent stream. The trail should be two-directional and designed to accommodate pedestrians, joggers, dog walkers, and others who are also likely to use such path. Staff recommends the applicant construct a looped trail along the perimeter of the development that includes access to the open spaces, tot lots, and main open space, either directly or through trail extensions. Staff also recommends the applicant commit to a trail that conforms to the nationally accepted design guidelines established by organizations such as the American Association of State and Highway Transportation Officials (AASHTO) and the Americans with Disabilities Act (ADA). The trail should also take into careful consideration any midblock or intersection crossings with roadways. Staff recommends the applicant commit to design options and strategies that will increase the safety of trail users from conflicts with motor vehicle user.

Response: Applicant has provided a trail throughout the community along the perimeter of the community, where such trail where such trail would not conflict with any areas of wetlands.

5. Pedestrian Facilities & Linkages

Staff recommends the applicant revise the CDP to provide a continuous, connected sidewalk system within the development, and to show how the proposed internal sidewalk network connects to existing pedestrian facilities located within adjacent developments. Staff also recommends the applicant provide greater detail on a pedestrian-friendly sidewalk streetscape that commits to a cross section on the CDP that demonstrates, 1) 5-foot sidewalks, 2) 4-foot vegetated buffers, and 3) Canopy shade trees planted in a regularly-spaced, linear pattern within the vegetative buffers. Staff recommends the applicant provide pedestrian access from the Townes at Autumn Oaks to the W&OD Trail through the Hall Road ROW and, if possible, the Brook Haven trail to the north of the subject site.

Response: Applicant's updated CDP shows a continuous, connected sidewalk system that connects to existing pedestrian facilities located within adjacent developments. As also shown on the CDP, Applicant proposes to construct 5-foot wide sidewalks throughout the community. Further, landscaping for the community and along the sidewalks has been illustrated on Sheet 8 of the CDP. Finally, Applicant has shown pedestrian access to Hall Road (and on to the W&OD Trail) and the Brookshaven community to the north of the site.

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6. Edge Screening

Should the perimeter buffer be reduced, staff recommends the applicant preserve the existing forest cover along the perimeter of the subject site and enhance the perimeter with additional plantings in order to provide additional screening. Staff recommends these areas be designated on the CDP as tree conservation areas.

Response: Applicant has identified significant forest cover to be preserved within tree conservation areas on the enclosed CDP. Specifically, a great deal of existing, lush and mature trees located on the perimeter of the Property will be preserved. Additionally, Applicant is committing to the construction of a six foot tall screen fence in areas adjacent to non-residential uses, as shown on the enclosed CDP. Applicant respectfully submits that the forest cover (in addition to the six foot tall screen fence) is adequate to provide essential screening to dissimilar uses. Where Applicant has requested a modified reduction in the buffer requirement, it has been requested to better integrate the residential community at the Property with the adjacent Encore at Oak Grove community. Planting vegetation between the two residential communities would run counter to this objective.

D. CAPITAL FACILITIES

Capital facility impacts have been calculated for the proposed application including the costs associated with the provision of safety, government, recreation, and education services, etc. The total projected capital facilities impact of the proposed development is \$3,921,588 (see Attachment 1). The County assumes responsibility for the capital facility impacts up to the base density of 1 dwelling unit per acre. As such, the net capital facilities impact would be the equivalent of \$2,573,793 (see Attachment 1).

Staff recommends that the impacts of the proposed development be mitigated.

Response: Applicant has incorporated the appropriate capital facilities contributions with the draft proffers, enclosed with this resubmission package. Applicant directs staff to the proffers for information on capital facilities mitigation.

F. OPEN SPACE PRESERVATION PROGRAM

If easements are priced at \$3,800 to \$5,000 per easement, the open space contribution for 2.064 easements for the proposed application would range from \$7,483 to \$10,320 (Attachment 2). However, this amount does not seem reasonable given current market values and with the goal of purchase of open space in the Sterling Community.

Staff recommends the application contribute land or provide an open space easement contribution equivalent to the cost of purchasing open space in the Dulles Community.

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Response: Applicant respectfully submits that the proposed development offers a site with nearly 50% open space. As such, Applicant declines to provide such open space preservation commitment at this time.

Office of Transportation Services

1. As noted above, the Applicant's traffic study does not provide level of service (LOS) analyses for facilities likely to be in place in the project buildout year (2008) and forecast year (2020). This information needs to be provided in order for staff to complete its evaluation of the proposed development's impacts on the regional road network.

Response: Please see an update to the traffic study enclosed with this letter.

2. Significant regional road improvements are needed to provide safe and adequate access to the site at an acceptable level of service.

Response: Applicant understands that the background traffic is significant in the area of the Property. Applicant respectfully submits that it should not be the burden of this application to resolve the traffic conditions created by other already approved applications in the vicinity of the Property. Notwithstanding the foregoing, Applicant's enclosed draft proffers include commitments to make regional transportation contributions and monies for the widening of Oakgrove Road to the County.

3. As noted above and in the traffic study, significant regional road improvements are necessary to accommodate future background traffic at an acceptable level of service (LOS D or better) in this part of the Route 606 corridor. A portion of the Applicant's regional road commitment to provide safe and adequate access to the site should include completion of the Oakgrove Road widening to a four-lane undivided section just north of Route 606.

Response: Applicant understands that the background traffic is significant in the area of the Property. Applicant respectfully submits that it should not be the burden of this application to resolve the traffic conditions created by other already approved applications in the vicinity of the Property. Notwithstanding the foregoing, Applicant's enclosed draft proffers include commitments to make regional transportation contributions to the County and monies for the widening of Oakgrove Road. The portion of Oakgrove Road that OTS would like to see widened involves both developed and undeveloped parcels that are not within the control of the Applicant; notwithstanding the foregoing, please see a commitment in the proffers to contribute funds to the County for the widening of Oakgrove Road.

4. The Applicant should consider reserving right-of-way for a future street connection in the northeast corner of the site to link to Hall Road once other properties in the area develop. Such a connection would provide for improved circulation and emergency vehicle access to the area.

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Response: Applicant has proposed access to the community via Trefoil Lane and Grammercy Terrace (subject to approval by the Encore at Oak Grove HOA). Notwithstanding these additional two entrances, Applicant has reserved right-of-way for Hall Road should a street connection be necessary in the future.

5. Please confirm that the proposed street connection to Grammercy Terrace is acceptable to the Encore at Grovewood Homeowners' Association (HOA) as Grammercy Terrace is a private street that is currently maintained by the HOA.

Response: Applicant understands that it will need to coordinate with the Encore at Oak Grove HOA for consent to connect with Grammercy Terrace. Applicant will be happy to confirm the results of such negotiations as soon as possible.

6. Pursuant to the Facilities Standards Manual (FSM), private street categories/standards are determined by estimated traffic volumes. Please include estimated average daily trips (ADT) for each private street shown on the plat as this will dictate the private street category that is required.

Response: Acknowledged. Please see the enclosed updated CDP for the requested information.

7. An appropriate transit contribution should be provided for the residential units proposed on site. Other similar approved applications have agreed to \$500.00 per unit for such services.

Response: Acknowledged. Please see the enclosed proffer statement to confirmation of this commitment.

Loudoun County Parks & Recreation

1. No proffers were submitted with this application. Please provide proffers for review.

Response: Acknowledged. Proffers are submitted with this response package.

2. This project adds 132 single-family attached units and offers no contribution to public recreation. The Suburban Policy Area is presently experiencing, and will continue to experience significant residential development. Additional development from new rezoning and by-right developments will place recreational facilities in further jeopardy from a capacity perspective. Developers of other subarea residential projects indicate in their applications that the area is supported by existing and planned public facilities. However, residents from both by-right and rezoned subdivisions add a significant demand on existing recreation facilities which make it difficult to keep pace with respective service demands. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors

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how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in the Sterling area.

Response: The proposed project incorporates a number of interesting and exciting recreational opportunities for its residents. In addition to having proximate access to the W&OD Trail, residents of the Townes at Autumn Oaks will enjoy a number of play fields and tot lots and a lengthy trail network. Please see the enclosed CDP for information about the recreational amenities to be provided with this development.

3. Staff recommends that the open space have a Resource Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural, open space area. The management plan should also address how watershed protection is to be applied to ensure a healthy stream, diverse aquatic life, stable stream banks, and vibrant native vegetation. In addition, the management plan may also include opportunities and requirements for stream restoration. Staff also recommends that any substantial "tree save" area has a Forest Management Plan. The management plan should address how multiple layers – overstory, understory, shrub and herbaceous layers – will be maintained to ensure the health and functionality of the vegetated open space.

Response: The Applicant is committed to creating the most attractive and usable open space areas within the permissible boundaries of the County, State and Federal regulations. As such, Applicant shall comply with any requirements at the time of site plan and will comply with any and all permitting requirements of the U.S. Army Corps of Engineers. Notwithstanding the foregoing requirements, the enclosed proffer statement includes information regarding tree conservation and wetlands mitigation efforts.

4. The Concept Plan shows potential impact to wetlands in the proposed private street at the entrance of the development. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the potential impact to wetlands will be mitigated.

Response: As stated above, Applicant shall comply with any U.S. Army Corps of Engineers requirements in connection with wetlands impacts. Further, Applicant has incorporated a proffer regarding the order in which any wetlands impacts will be mitigated. Please see the enclosed proffers for further information.

5. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(A), Roadway Planning and Design Policy, Walkway and Sidewalk Policy 2(a) (p. 31): "***Sidewalks in the Suburban Policy Area: Residential streets should have sidewalks with a minimum width of five (5') feet.***" PRCS recommends that all internal sidewalks be a minimum of 5 feet. It is important to recognize that providing a wider width for sidewalks does not necessarily add to the safety of sidewalk bicycle travel. Utilizing or providing a sidewalk as a shared use path is unsatisfactory. Sidewalks are typically designed for pedestrian speeds and maneuverability and are not compatible with for higher speed bicycle use.

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Response: Applicant shall provide five foot wide sidewalks, as shown on the CDP.

6. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(B) (p. 33), Land Development Policy 6: “All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community.” In addition, BPMMP Land Development Policy 7 (p. 33), “All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments.” The applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle and pedestrian access to and through the development and connections to adjacent developments are being met, including any connections to the Washington and Old Dominion (W&OD) Trail. PRCS recommends that the Concept Plan be revised to include a trail connection to Hall Road at the northern property corner.

Response: Applicant submits that it is providing ample bicycle and pedestrian access to and through the Property as shown on Sheet 5 of the CDP. Further, Applicant has proposed sidewalk and trail connections with the adjacent communities as shown on Sheet 5 of the CDP. Finally, a trail connection to Hall Road (as well as reserved right-of-way for the extension of Hall Road) is shown on the enclosed CDP.

7. The tot lot proposed along Grammercy Terrace near the eastern property line, is not centrally located, and will not adequately serve the residents of this development. PRCS recommends that the Applicant relocate the tot lot to the central open space area.

Response: The tot lot referenced by Staff is intended to serve the residents of the Property as well as residents of the adjacent Encore at Oak Grove community. When the community is viewed as a whole, Applicant believes that the tot lot referenced is centrally located.

8. The tot lot in the “town green / civic space” is currently located very close to an intermittent stream and in the center of a wooded area. The location for the tot lot will need to be cleared to provide access and user safety and supervision.

Response: Applicant has investigated the “intermittent stream” referenced and found it to a man-made ditch that will fill with rainwater after a heavy storm. Once this area is properly graded, Applicant believes that this won’t be deemed an intermittent stream. Applicant understands that it will need to properly develop the property in order to provide a safe and usable tot lot.

9. In the northwestern corner of the property, the Applicant is currently proposing an 8’ trail terminating into a 4’ sidewalk. Staff recommends adjusting the trail to connect directly to the end of the private street.

Response: Acknowledged and revised accordingly.

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10. The Concept Plan shows that the Applicant's is proposing to provide a "play field," while the Statement of Justification calls out a "multi-purpose field." The Revised 1993 Zoning Ordinance does not recognize play fields. In addition, the dimensions of the proposed play field are similar to the central open space. PRCS requests additional information on the proposed usage of the play field and open space area.

Response: Applicant is proposing an open play field that can be used for a variety of different uses.

11. Staff acknowledges the Applicant's proposed foot bridges over the wetland areas within the "town green / civic space." Staff recommends that any section of the trail crossing wetlands be constructed as a raised boardwalk or bridge to limit the impact of the trail on the wetlands.

Response: Acknowledged.

Loudoun County School Board

Approval of The Townes at Autumn Oaks rezoning application will generate the following operating and capital expenses (see attached chart): Capital costs for the development's elementary school students will be \$831,269;

- capital costs for the development's middle school students will be \$450,904;
- capital costs for the development's high school students will be \$789,367; and
- the annual operating costs for the 63 students projected with the application are estimated to be \$784,980.

The total estimated capital costs of \$2,071,540 and the annual operational costs estimated at \$784,980 will be needed to fund the educational services for The Townes at Autumn Oaks alone.

Response: Please see the enclosed proffer statement commitment for information about capital facilities contributions.

Virginia Department of Transportation

1. No proffers were provided.

Response: Proffers have been provided with this resubmission.

2. Contributions for area signals should be proffered.

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Response: Applicant's traffic study did not indicate that this development created any need for the provision of traffic signals, and as such, Applicant is not proffering to construct any area signals. Further, Applicant notes that the recently approved Hall Road rezoning proffered construction of a signal at Oakgrove Road and Route 606 and the Grovewood proffers (ZMAP 1991-0010) required a \$22,874 contribution to this signal.

3. Trefoil Lane should be extended to the west.

Response: As discussed in connection with the Pearson Reserve CPAM (CPAM 2004-0007), the extension of Trefoil Lane to the west of the Property will lead to further mixing of residential and non-residential traffic. As such, and as supported by the County's Office of Transportation Services at the time of the CPAM, Trefoil Lane will be truncated on the Property. In addition to discouraging the use of Trefoil Lane on the Property by industrial vehicles and automobiles, it will backstop the use of properties to the west for residential uses.

4. Street to the north should be extended along the property frontage to the western property line.

Response: Hall Road, which currently ends at the northeast corner of the site, is not planned to extend westward across the northern boundary of the site. Neither the residential development or the industrial development to the north have reserved right of way for the improvement of this road in a westerly fashion. Further, the extension of Hall Road to the west of the Property would lead to mixing of residential and non-residential traffic. As such, Applicant believes that the extension of Hall road is inappropriate.

5. Access to the street extension on the north side of the property is recommended.

Response: Applicant has proposed access to the community via Trefoil Lane and Grammercy Terrace (subject to approval by the Encore at Oak Grove HOA). A third access via Hall Road is neither necessary or appropriate. As discussed above, Hall Road is not envisioned to be a through road and appropriate right-of-way has not been reserved to permit the improvement of this road to a condition that would allow adequate access by residents of the community. Thus, Applicant believes that access to Hall Road is not appropriate.

Community Information Outreach

I have no issues with these findings and the recommendation.

Response: Acknowledged and appreciated.

Mike Elabarger
April 18, 2007
Page Twenty-Nine

Library Services

In the current CIP there are provisions for both the 40,000 sq. ft. Gum Spring Library (in South Riding) and a 30,000 sq. ft. library in Brambleton. The CNA includes provision for an expansion of Sterling Library. If these projects go forward as planned, the impact of the ZMAP 2005-0038, The Townes at Autumn Oaks proposal would not be an issue for Library Services.

Response: Acknowledged and appreciated.

County Health – Environmental

The Health Department has no objections to the approval of this application. The applicant needs to be aware that the abandonment of the well on parcel 95/25 must be permitted before preliminary and the work performed prior to record plat.

Response: Acknowledged and appreciated.

Fire & Rescue Department

The Fire and Rescue Planning Staff, in agreement with the Fire Marshal Division (FMO), has no objection to the application as presented.

Response: Acknowledged and appreciated.

Fairfax County **1-22-07**

Fairfax County will not be submitting a review referral.

Response: Acknowledged and appreciated.

Virginia DCR 10-13-06

No impacts.

Response: Acknowledged and appreciated.

Mike Elabarger

April 18, 2007

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We trust that this letter suitably responds to each of Staff's comments. Should you require any further information, please do not hesitate to contact me.

Sincerely,



Colleen Gillis Snow

Enclosures

cc: Kevin Crown, The Peterson Companies
David T. McElhaney, P.E., Urban, Ltd.

320524 v1/RE



WELLS & ASSOCIATES, LLC

TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

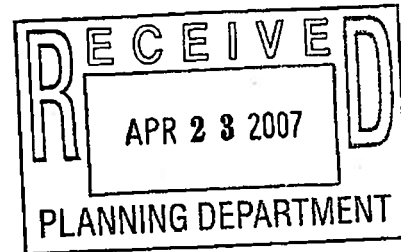
MEMORANDUM

TO: Kevin Crown

FROM: Kevin D. Sitzman, P.E., Senior Associate
Jennifer N. Carpenter, Associate

DATE: April 20, 2007

RE: ZMAP 2005-0038 Townes at Autumn Oaks (Pearson Reserve)
Staff Comment Responses



INTRODUCTION

This memorandum responds to a Loudoun County staff comment memorandum dated November 8, 2006 (Attachment I), regarding the rezoning application for the Townes at Autumn Oaks (Pearson Reserve). Specifically, presenting the results of analysis conducted in conjunction with the traffic impact study completed by Wells & Associates, revised December 15, 2005. This analysis reflected a program of 179 townhouse dwelling units. The latest development program indicates that 132 townhouses are proposed. The trip generation analysis has been adjusted accordingly as shown in Table 1. The results of the analysis completed for background and total future conditions (based on the new development program) by the build-out year 2008 and the forecast year 2020 are summarized in Table 2.

ANALYSIS

The new trip generation analysis indicates that the site would generate 64 AM peak hour, 75 PM peak hour and 1,148 average daily trips upon completion and full occupancy. The total future analysis for 2008 and 2020 were updated to account for the change in the development program. The results are summarized in Table 2.

As requested by Loudoun County staff, levels of service analysis for the study intersections were completed based on the geometries/controls likely to be in place by the project build-out year 2008 and the forecast year 2020 and are provided in Attachment II. The intersections of Old Ox Road with Douglas Court and Rock Hill Road were analyzed under existing STOP control and signal control conditions, respectively. Old Ox Road with Oakgrove Road was analyzed under signal control based on proffers associated with the approved Hall Road Townhome rezoning.

Table I

Pearson Reserve
Site Trip Generation¹

Scenario/Use	Land Use Code	Amount	Units	AM Peak Hour Trips			PM Peak Hour Trips			Weekday ADT
				In	Out	Total	In	Out	Total	
Townhouse	230	132	DU	11	53	64	50	25	75	1,148

Notes:

¹ Trip estimates based on rates and equations published in Institute of Transportation Engineers Trip Generation, 7th Edition.

Wells & Associates, LLC
McLean, Virginia

A-158

Table 2
Pearson Reserve
Intersection Levels of Service^{1,2}

Intersection	Intersection Control	Critical Movement	2004 Existing		2008				2020			
			Background		Background		Total Future		Background		Total Future	
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1. Old Ox Road (VA 506)/ Douglas Court	Stop Sign	EB	B(14.0)	C(23.4)	F(388.2)	F(314.4)	F(434.5)	F(330.1)	F(833.8)	F(907.7)	F(996.6)	F(930.5)
		WB	B(11.5)	B(12.6)	B(14.8)	D(28.7)	B(14.9)	D(30.7)	C(18.6)	E(40.8)	C(18.8)	E(42.5)
		SB	F(121.6)	F(498.0)	F(7)	F(7)	F(7)	F(7)	F(7)	F(7)	F(7)	F(7)
	Signal	EB	NA	NA	E(821.1)	F(258.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	F(209.4)	F(213.2)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	C(31.1)	E(344.8)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	F(128.6)	F(247.6)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	E(81.1)	F(258.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	F(209.4)	F(213.2)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	C(28.8)	E(178.3)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	F(138.6)	F(230.7)	N/A	N/A	N/A	N/A	N/A	N/A
2. Old Ox Road (VA 506)/ Oakgrove Road	Stop Sign	EB	B(13.1)	C(15.8)	D(34.2)	F(250.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	B(11.6)	B(12.3)	B(14.2)	D(25.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	F(192.4)	F(524.2)	F(77.9)	F(7)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	C(28.9)	F(184.0)	C(33.6)	F(232.7)	D(50.9)	F(261.4)	E(55.2)	F(307.3)
		WB	NA	NA	D(45.1)	C(28.2)	D(45.1)	C(28.2)	F(118.3)	F(84.4)	F(118.3)	F(84.2)
		SB	NA	NA	D(41.3)	D(81.4)	E(88.5)	E(83.3)	E(81.0)	E(83.1)	F(88.2)	E(103.3)
	Overall	NA	NA	NA	D(36.1)	F(108.9)	D(42.7)	F(135.7)	F(84.9)	F(174.4)	F(90.0)	F(189.7)
	Signal	EB	NA	NA	D(35.8)	F(184.4)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	B(18.0)	C(28.2)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(82.7)	D(38.3)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	C(28.5)	F(108.9)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	C(21.3)	F(138.7)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	E(56.8)	F(89.4)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	C(31.0)	C(27.8)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(38.6)	F(111.3)	N/A	N/A	N/A	N/A	N/A	N/A
3. Old Ox Road (VA 506)/ Rock Hill Road	Signal	EB	B(16.5)	C(20.1)	C(25.2)	F(153.8)	C(25.4)	F(154.4)	E(72.0)	F(243.0)	E(73.2)	F(243.7)
		WB	B(15.6)	B(10.1)	D(36.4)	E(61.3)	D(38.5)	E(82.3)	F(90.6)	F(139.2)	F(90.8)	F(140.4)
		SB	C(30.4)	C(26.1)	C(32.3)	F(85.4)	C(32.7)	F(85.1)	E(81.6)	F(188.1)	E(83.1)	F(188.1)
	Overall	NA	B(19.2)	C(20.3)	C(31.4)	F(130.3)	D(35.7)	F(131.6)	E(75.1)	F(183.8)	E(77.3)	F(185.1)
	Signal	EB	NA	NA	D(38.6)	F(315.8)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	E(64.0)	F(190.9)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(83.6)	D(57.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(53.8)	E(88.4)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	C(30.9)	C(28.0)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
4. Trefoil Lane/ Rock Hill Road	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
5. Oakgrove Road/ Trefoil Lane	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A
	Signal	EB	NA	NA	D(44.7)	F(146.0)	N/A	N/A	N/A	N/A	N/A	N/A
		WB	NA	NA	D(38.3)	F(220.5)	N/A	N/A	N/A	N/A	N/A	N/A
		SB	NA	NA	E(57.5)	F(93.2)	N/A	N/A	N/A	N/A	N/A	N/A
	Overall	NA	NA	NA	D(27.9)	D(64.1)	N/A	N/A	N/A	N/A	N/A	N/A

Notes: (1) Numbers in brackets indicate average delay in seconds per vehicle for stop sign controlled intersections.
(2) Numbers in parentheses indicate average delay in seconds per vehicle for signal controlled intersections.

Under total future conditions, critical movements at the unsignalized Intersection of Old Ox Road with Douglas Court would operate at levels of service generally consistent with background conditions for both 2008 and 2020 analyses. Certain lane groups at the signalized intersection of Old Ox Road with Oakgrove Road decline from background to total future conditions for both 2008 and 2020 analyses. Although delays increase at the intersection of Old Ox Road with Oakgrove Road, the total site trips at this intersection account for less than 1.3% and 1.6% of the total future traffic forecasts during peak hours for forecasted years 2008 and 2020, respectively. Under total future conditions, lane groups at the signalized intersection of Old Ox Road with Rock Hill Road operate at overall levels of service generally consistent with background conditions for 2008 and 2020 analyses.

LINK VOLUME

The existing traffic volume on Oakgrove Road is 239 AM peak hour and 306 PM peak hour trips. Under background traffic forecasts, the volume on Oakgrove Road would be 523 AM peak hour and 612 PM peak hour trips. Assuming a worst case scenario where all site generated trips use Oakgrove Road to access Autumn Oaks, an additional 64 AM peak hour and 75 PM peak hour trips would be added to Oakgrove Road, resulting in a total future forecast of 587 AM peak hour and 687 PM peak hour trips. Autumn Oaks trips would account for 11 percent of the peak hour traffic on Oak Grove Road during both the AM and PM peak hours. Therefore, Autumn Oaks pro rata share of any road improvements on Oakgrove Road would equal eleven percent.

CONCLUSIONS

Based on the analysis presented above, the resulting year 2008 and 2020 total future analyses indicate that the study intersections with existing lane use will operate at levels of service generally consistent with background conditions, except for certain movements at the intersection of Old Ox Road with Oakgrove Road which decline with the addition of site traffic; however, the site trips at this intersection account for less than 1.6% of total future traffic forecasts during peak hours for forecast years 2008 and 2020. Please feel free to contact us with any questions you may have regarding this matter.

FOR THIS COMPLETE DOCUMENT, SEE
BUILDING & DEVELOPMENT⁴ FILE ROOM, 2ND FLOOR,
OR MICHAEL ELABARGER, PROJECT MANAGER
703-737-8506
A-160



Colleen Gillis Snow
(703) 456-8114
gillissnow@cooley.com

October 3, 2007

Mike Elabarger
Project Manager
Department of Planning
Loudoun County
1 Harrison Street, S.E., 3rd Floor
Leesburg, VA 20177

**Re: ZMAP 2005-0038 – The Townes at Autumn Oaks
2nd Referral Summary Report**

Dear Mike:

This letter constitutes the Applicant's response to the Staff and Agency second review comments received to date regarding the above-referenced rezoning application. The Staff/Agency review comments are addressed below. Each comment is summarized (noted in *italics*) and followed by the Applicant's response.

Department of Building and Development – Zoning Administration

Comment: The Applicant is proposing to rezone to the PDH-6 district and develop single-family attached residential units only, with no supporting non-residential uses or other residential unit types. There is no existing PDH zoning district adjacent to the property. Pursuant to the PDH district, Section 4-101 of the Ordinance, the Planned Development-Housing district is established to provide for a variety of single and multi-family housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community. As noted in earlier zoning referral comments with regard to the Comprehensive Plan Amendment application, CPAM 2004-0007, Pearson Reserve, Staff believes that the most appropriate zoning district to achieve the proposed density and dwelling type is the R-8 district, in accordance with Sections 3-500 and 7-800 of the Ordinance. Therefore, Staff recommends that the property be rezoned to this district.

Response: The Applicant seeks to provide an extension of the existing residential neighborhoods of Oak Grove and Encore at Oak Grove, which provide only townhome units. This collection of townhome neighborhoods would be surrounded to the north, east and south by a range of single-family detached properties. Applicant, therefore, believes that an appropriate mix of dwelling types are provided in this part of the County.

October 3, 2007

Page Two

The Applicant proposes to rezone the Property to the PD-H6 district, administered as the R-8 District. This will allow the Applicant to request necessary zoning modifications, while achieving an appropriate density using appropriate dwelling types.

Comment: Pursuant to Section 4-102, a PD-H6 district, when mapped, shall be no less than twenty-five (25) acres. The proposed application contains 24.95 acres. The applicant has requested a modification of this section to allow the district to be less than 25 acres. See staff comment on modification below.

Response: Comment acknowledged.

Comment: The Applicant has not clearly addressed the four 'timings of development' criteria required by Section 4-103 of the Zoning Ordinance. Please address each criterion and provide supporting documents for the same.

Response: Applicant notes that development of this Property achieves the timing of development considerations set forth in Section 4-103 of the Zoning Ordinance. The proposed rezoning will meet demands for housing in the desirable Route 28 and Route 606 corridors and is consistent with the underlying residential plan for the Property. The proposed rezoning is a natural and logical extension of the adjacent Encore at Oak Grove community while providing a hard line between residential to the east and more intense commercial development to the west. Further, the residents of this proposed development will have ready access to retail and commercial opportunities all located within close proximity to the Property. Applicant respectfully submits that this rezoning is proposed at the right time and in the right location so as to fully comply with the vision of the community in this area.

Comment: Pursuant to Section 3-502, the district shall be located with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services. Demonstrate conformance with this section of the Ordinance.

Response: The Property is located in close proximity to a wide range of employment, shopping and community support services. Such facilities are located along the Route 606 and Route 28 corridors. The Property also lies close to the W&OD Trail, Cutter Mill Park and the Town of Herndon Trailside Park. Pedestrian connections to surrounding services and facilities are shown on Sheet 7 of the CDP.

Comment: Pursuant to Section 7-801, the maximum permitted density is 9.6 dwelling units per acre. Sheet 5 of the rezoning plan depicts a permitted maximum density of 7.2 dwelling units per acre. Correct Sheet 5.

Response: The Applicant seeks to rezone the Property to the PD-H6 zoning district. Based on the provisions of this district and the density bonus afforded by the development of ADUs, the Property can be developed to a maximum density of 7.2 dwelling units per acre.

October 3, 2007
Page Three

Comment: The property now lies within the Airport Impact (AI) Overlay District with the inclusion of the additional sites. Please correct note # 7, Sheet 4, note # 2, Sheet 6 and note # 1 on Sheet 3 to indicate that the property lies within the limits of the AI Overlay District.

Response: Comment acknowledged. Please see the revised CDP.

Comment: Note # 2 on Sheet 4 states that the property has no moderate or steep slopes. However, per county records, the property contains area of moderate and very steep slopes. Staff asks the Applicant to correct/clarify this.

Response: Comment acknowledged. Please see the revised CDP.

Comment: Pursuant to Article 8, definitions, "active recreation space" includes tennis courts, swimming pools, tot-lots, outdoor games and sports activities etc. It appears that the only type of active recreation uses included in this application is the tot lot. Staff asks that the Applicant clarify what is included in "active recreation" proposed for the development and include in the proffer statement.

Response: Please see the revised proffers. Applicant is proposing two tot lots and a play area as part of this proposal. As shown on Sheet 5 of the CDP, the level of active recreation space required at the Property will be exceeded.

Comment: The Applicant has requested a modification of Section 5-1414(B)(4) to modify the plantings required by this section, to retain the existing vegetation. However, this modification request is only listed on Sheet 6 of the rezoning plan but not included in the Statement of Justification. Further, the Applicant has not provided a justification for such modification request. Please include this in the Statement of Justification and provide justification for the same.

Response: Comment acknowledged. Please see the revised Statement of Justification.

Comment: The Applicant has requested a modification of § 4-109, Site Planning-External Relationships, subparagraph (E), Height limitations at edges of PD-H district and Section 3-508(B) and as noted in the first referral comment, Staff supports the modification request.

Response: Comment acknowledged.

Comment: The Applicant has requested a modification of Sections 4-109 (C), 4-110(I) and 3-509(C) to reduce the required permanent common open space and perimeter buffer to less than 50 feet. This reduction is specifically requested along the eastern and southern boundaries of the Property. It is not clear to Staff as to the extent of the modification and the proposed width of the reduced buffer. Staff notes the provision of large amounts of open space strategically placed through the development, and the Applicant's intent to preserve the existing vegetation on the southern portion in and around the areas of wetlands as well as on the western portion adjacent to the existing powerline. Staff asks that the Applicant depict the width of the reduced buffer, the limits of the modification request on the CDP, or on a separate sheet, before Staff

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Page Four

can support this modification request. The modification request of Section 4-110(I) should be removed as this applies to residential uses and land bays within the PD-H district, unless the application proposes more than one land bay in the development.

Response: A proposed buffer of 20 feet has been shown adjacent to MCPI #024-35-1580, where existing townhomes and detached garages are adjacent to the boundary of the subject property. A proposed buffer of 10 feet has been shown adjacent to MCPI #034-40-9029, which is an irregularly-shaped parcel with an unknown owner. Given the size, configuration, lack of access and uncertain ownership of this parcel, the Applicant believes that the parcel is likely to remain as unclaimed open space for which buffering is not necessary.

To the best of the Applicant's knowledge, the adjacent commercially zoned development to the south of the Property was approved subject to proffers prior to the adoption of the 1993 Zoning Ordinance. Therefore, a buffer along the southern boundary of the site is not necessary.

The Applicant has removed the modification request to Section 4-110(I) of the Zoning Ordinance.

Comment: Modification of Section 4-102, Size and Location – The Applicant is requesting a modification of this section to allow the minimum district size of 25 acres for the PDH6 district to be reduced to 24.95 acres. Staff can support this modification request.

Response: Comment acknowledged.

Comment: With regard to the proffer statement, staff has the following comments:

- i. With regard to Proffer III, in line 5, correct the zoning district to PD-H6 district.*
- ii. With regard to Proffer VI, in line 8, remove the reference to single family detached dwelling units, as there is none proposed with this development.*
- iii. With regard to Proffer VII.C., in line one (1), Staff suggest that the word 'receipt' be replaced with 'issuance'.*
- iv. With regard to Proffer VIII.A.1, the Applicant proposes a 'tree save area' but notes that clearing in this area shall be permitted for trails, storm water management facilities and recreational facilities. This seems to contradict the purpose of a 'tree save area'.*
- v. With regard to Proffer VIII.A.2., in line 5, Staff suggests that the County's Arborist is included in addition to the Applicant's Arborist.*
- vi. With regard to Proffer IX.B., in line 4, replace 'site plan' with 'construction plans and profiles'. Similarly, for proffer IX.C and X.*

Response: Comment acknowledged. Please see the revised draft proffers.

October 3, 2007

Page Five

Comment: With regard to the Preamble, it is noted that 'Loudoun Reserve L.C.' and 'Smith Loudoun L.C.' collectively is the 'Applicant' or 'Property Owner', while 'The Peterson Companies L.C.' is listed as one of the Applicants on page 8 of the draft Proffer Statement. Explain.

Response: Comment acknowledged. As confirmed by the revised draft proffers, the Applicant comprises Loudoun Reserve L.C. and Smith Loudoun L.C.

Loudoun County Department of Planning – Community Planning

Comment: The overall density proposed for the Townes at Autumn Oaks does not exceed the maximum density of 8 dwelling units per acre approved per the policies of the Pearson Reserve CPAM (CPAM 2004-0007).

Response: Comment acknowledged.

Comment: The Townes at Autumn Oaks does not meet the recommended land use mix for High Density Residential for civic/public uses. Staff is requesting the applicant revise the CDP for the Townes at Autumn Oaks to include on-site civic/public uses in order to meet the recommended land use mix. If the applicant proposes to include the existing HOA-owned and maintained clubhouse located at the Grovewood development to the east of the subject site as part of their recommended land use mix for public/civic uses, then staff recommends the applicant submit documentation showing formal commitments are provided between the applicant and the HOA for permanent, shared-use of the HOA facility.

Response: Please see the CDP, which has been revised to show a covered picnic pavilion in the centrally located open space at the end of Trefoil Lane. As permitted by the Revised General Plan, this civic use will be supplemented by facilities within 1,500 feet of the Property, including the Oakgrove Baptist Church and Oakgrove shopping center at the intersection of Oakgrove Road and Route 606. The Applicant believes that the proposal provides an appropriate level of civic/public uses.

Comment: The applicant is counting perimeter open space as interior. Based on the size of the subject site, no more than approximately 1.87 acres of open space can be perimeter open space. Staff recommends the applicant commit to at least 75% of the required open space as interior open space. Staff suggests one way to increase the amount of interior open space within the development is to offer a wider diversity of housing types, included two over two's, to increase the amount of acreage potentially available for open space.

Response: The Applicant does not believe that perimeter open space is being counted as interior open space. Less than 1.87 acres of the open space shown on the CDP consists of

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"leftover" slivers such as landscaped islands, spaces between townhouse units or perimeter buffers in locations where a minimum buffer width is required. The remainder of open space consists of community greens, play fields, tot lots, natural areas and wide perimeter open areas which are connected to internal open spaces.

Comment: Staff supports the applicant's protection of a portion of the intermittent stream and its associated wetlands by preserving the area as a community green. Staff recommends the applicant consider committing to stream bank and stream bed restoration for that portion of the intermittent stream within the community green to improve its ability to adequately convey both on-site and off-site stormwater run-off and to enhance the natural and aesthetic functions of the stream corridor.

Response: As shown on the revised CDP, the Applicant has proposed a large community picnic pavilion, tot lot and landscaped green within this portion of the Property that currently accommodates the intermittent stream, in order to provide civic uses for future residents. The construction of these amenities as well as the extension of Trefoil Lane onto the Property would result in the elimination of the channel. Therefore, Applicant does not believe that the suggested restoration measures are appropriate.

Comment: Staff recommends the applicant add the tree save area symbol within the legend contained in Sheet 5 of the CDP. Staff also recommends the applicant commit to a reforestation plan for tree save areas located along the eastern boundary that currently do not contain forest cover.

Response: Please see the revised CDP, which shows the tree conservation area symbol within the legend. Applicant does not intend to plant additional forest cover along the eastern boundary of the Property. The proposed development has been designed as an extension to the existing neighborhood to the east. The Applicant believes that the suggested planting will separate the two neighborhoods and believes that integration and not separation should be encouraged.

Comment: Since the general location of the pond is a highly visible location and the area that includes the ponds is proposed as part of their open space for the development, staff recommends the applicant commit to constructing retention ponds ("wet pond") on both sides of the intermittent stream and wetlands for both aesthetic reasons (to complement the adjacent recreational trail segment) and for increased pollution removal efficiency.

Response: The Applicant intends for the facility to be a wet pond, but cannot commit to such a facility at this time. The type of SWM facility (either wet pond or extended detention facility in conformance with FSM standards) will be determined at the time of final engineering.

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Comment: Staff recommends the applicant commit to enhanced entryways adjacent to both sides of the Trefoil Lane access that is reflective of the type of enhancements included in the Illustrative Amenity Plan and to include a combination of features and amenities, including landscaping, benches, low seating walls, special paving treatment, signage, public art, and water features to enhance the identity and character of the development. A commitment to enhanced entryways through a combination of features and amenities can be counted towards the interior open space requirement for the development.

Response: The Applicant does not intend to commit to specific enhancements or features adjacent to Trefoil Land at this time. The Applicant is obviously vested in ensuring that the entrance to the Property is as attractive as possible, but believes that a commitment to specific features at this time would not benefit the Applicant or the County.

Comment: Staff supports the location of the community green located at the south central portion of the subject site as the development's main open space. If the applicant is proposing to meet their recommended land use mix for civic/public uses by incorporating such uses on-site, staff recommends the applicant consider locating the uses either within the main open space or adjacent to such space.

Response: Please see the revised CDP, which shows a covered picnic pavilion in a centrally located portion of the Property. The Applicant believes that the centrally located picnic pavilion will serve all residents and will be located in close proximity to the playfield.

Comment: Staff recommends the applicant relocate the proposed tot lots to reflect greater accessibility and safety for this age-specific, active, open space. Staff also recommends Section IV of the Draft Proffer Statement be revised to specify a commitment of two tot lots within the development, to be consistent with Sheet 5 of the CDP.

Response: Please see the revised CDP, which shows a pedestrian connection to the tot lot at the eastern edge of the Property. Applicant has also repositioned the tot lot shown to the west of the covered picnic pavilion. In its new location, the tot lot will be closer to the picnic pavilion and will be more accessible to residents.

Comment: Staff supports the incorporation of a trail into the development as depicted in the CDP. Staff recommends the applicant commit to the construction of a minimum 8-foot wide two-directional trail within a 12-foot public access easement that is designed to accommodate pedestrians, joggers, dog walkers, and others who are also likely to use such a path. Staff also recommends the applicant commit to a trail that conforms to the nationally accepted design guidelines established by organizations such as the American Association of State and Highway Transportation Officials (AASHTO) and the Americans with Disabilities Act (ADA) related to clearance, horizontal alignment, grade, sight distances, drainage, and lighting.

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Response: Comment acknowledged. The Applicant has revised the CDP to show a 6-foot wide trail within a 10-foot wide public access easement, in order to reduce impervious area and need for removal of trees. Applicant respectfully submits that this is adequate given the size of the community and the nature of the trail.

Comment: Staff recommends the applicant depict a continuous sidewalk system on Sheet 5 of the CDP. Staff also recommends the applicant commit to depicting a typical cross section for private roads on Sheet 6 of the CDP that shows a minimum 4-foot wide vegetated buffer with canopy shade trees planted in a regularly-spaced, linear pattern within the buffer. Staff suggests one way to increase the vegetated buffer is to reduce the width of the typical roadway width depicted on the typical cross section from 25 feet to 20-22 feet.

Response: A 5-foot sidewalk is shown throughout the Property, except along the frontage of the townhomes at the northern edge of the development. Given the location of these townhomes, the low level of pedestrian traffic anticipated in this portion of the Property, the lack of any meaningful pedestrian destination and the availability of sidewalk on the southern side of such road, Applicant believes that a sidewalk is not necessary.

The Applicant is unable to commit to the provision of a vegetated buffer throughout the Property, however, where possible, the Applicant shall plant vegetation on individual lots. The Applicant is aware that the roadway width suggested by Staff would not conform to FSM requirements (Section 4.330, Category B. Roadway Requirements).

Comment: The Capital Facilities impacts of the proposed development are proposed to be sufficiently mitigated. The applicant should revise their Draft Proffer Statement to show a total capital facilities contribution of \$3,510,948.

Response: Comment acknowledged. Please see the revised draft proffer statement

Comment: Staff recommends the application contribute land or provide an open space easement contribution equivalent to the cost of purchasing open space in the Sterling Community.

Response: Comment acknowledged. A contribution towards the purchase of open space easements has been included in the revised draft proffers.

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Loudoun County Building and Development – Environmental Review Team

Comment: Staff acknowledges that the stormwater conveyance channel on the property was recently removed from the wetland delineation for the property and that a portion of this channel will be piped to accommodate the entrance road and adjacent green. However, given that the channel is eroding and is inadequate to convey existing runoff (see Photograph #1) and that this feature is proposed as a focal point of the development, staff recommends that the applicant commit to the following:

- *To perform a channel analysis of the existing manmade conveyance channel on the property to be submitted to the Department of Building and Development for review and approval concurrent with the first Construction Plans and Profiles or Site Plan submitted for the property,*
- *To construct modifications to the channel as identified in the channel analysis that are needed to adequately convey runoff through the site and to stabilize the channel using vegetative techniques concurrent with construction of the project.*

Response: As shown on the revised CDP, the Applicant has proposed a large community picnic pavilion, tot lot and landscaped green within this portion of the Property in order to provide civic uses for future residents. The construction of these amenities as well as the extension of Trefoil Lane onto the Property would result in the elimination of the channel. Therefore, Applicant does not believe that the suggested channel analysis and modifications are appropriate.

Comment: Staff notes that the wetland delineation performed for the property is due to expire on September 25, 2007 and will need to be updated prior to applying for the wetland permit needed to authorize the proposed impacts.

Response: Comment acknowledged. Wetland Studies and Solutions, Inc. (WSSI) contacted the U.S. Army Corps of Engineers (COE) on July 31, 2007, to request an extension of the jurisdictional determination issued on September 25, 2002. The COE issued a delineation confirmation letter on September 10, 2007, that extended the expiration date to September 10, 2012. A copy of the COE delineation confirmation letter is attached to this letter.

Comment: Staff recommends that Proffer VIII.B, "Wetlands Mitigation," be updated to reflect other recent proffers as follows:

"For any wetland and stream impacts on the Property determined to be unavoidable in conjunction with the permitting process, Applicant shall provide wetland mitigation in the following priority order: 1) onsite, 2) within the same planning policy area, and 3) within Loudoun County, subject to approval of the Army Corps of Engineers and the Virginia Department of Environmental Quality. If no such areas are available within the County as verified by County Staff, Applicant shall be permitted to provide wetland mitigation outside of Loudoun County."

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Response: Comment acknowledged. Please see the revised draft proffers.

Comment: Staff recommends that Proffer VIII.C, "Geographic Information System Information," be updated to require the data to be submitted concurrent with the approval of the preliminary plat, as opposed to the record plat, consistent with other applications.

Response: Comment acknowledged. The Applicant has revised the draft proffers to commit to providing this information at the time of the preliminary plat.

Comment: Please correct the typographical error "Core" to read "Army Corps" in the last sentence of Proffer IV, "Recreational Amenities and Sidewalks." In addition, please provide a typical section clarifying the surface material planned for the proposed trail.

Response: Comment acknowledged. Please see the revised draft proffers. As shown on Note 28 of Sheet 6, the trail will be constructed with a hard surface material.

Comment: Tree Save Areas have been designated on the Concept Development Plan and are addressed in Proffer VIII.A; however, the language included in the proffer is not consistent with the suggested language approved by the County Arborist (see attachment). The current proffer does not outline a minimum area to be preserved (e.g., 80 percent). In addition, the Tree Protection methods outlined in the proffer are inconsistent with County Erosion and Sediment Control Ordinance requirements (silt fence is required surrounding Tree Conservation Areas). Therefore, staff recommends that the current proffer language be replaced with the attached Sample Tree Conservation Area Language, consistent with other recently approved rezoning applications (e.g., ZMAP-2005-0013 Marbury, approved September 5, 2006).

Response: Comment acknowledged. Please see the revised draft proffers.

Comment: Staff notes that there is extensive Virginia Pine within Cover Type A (Sheet 4), encompassing half of the Tree Save Area identified within the community green. Given the need to remove Virginia Pine to avoid windthrow and the small size of the proposed Tree Save Area, approximately 0.5 acres, staff recommends that the applicant consult with the project arborist regarding the viability of this portion of the proposed Tree Save Area.

Response: The Applicant is not sure which tree conservation area is being referenced by Staff's comment and looks forward to discussing this concern with Staff.

Comment: Staff recommends that the trail alignment in the northwest corner of the property be adjusted to avoid impacts to the critical root zone of offsite Specimen Trees 13, 14, and 15.

Response: Please see the revised CDP which shows that the revised route of the trail, away from the critical root zones of these off-site specimen trees.

Comment: Given the proximity of the project to Oak Grove Baptist Church, staff recommends that the applicant commit to using plant stock derived from historic oaks or other historic trees available from the American Forests Historic Tree Nursery Store or other historic nurseries for

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shade trees planted surrounding the landscaped greens. Each historic tree planted should be accompanied by signage explaining the historical significance of the tree.

Response: There are currently no historic trees on the Property and given the distance to the Oak Grove Baptist Church the Applicant does not see the relationship between this Property and the Church. Further, this area of the County has little, if any, historic significance and therefore, the Applicant does not propose the planting of historic trees.

Comment: Two possible Stormwater Management (SWM)/Best Management Practice (BMP) ponds are currently depicted on the Concept Development Plan (CDP). Note 24 on Sheet 6 indicates that the ponds may be either wet or dry. The two ponds are currently located within 25 feet of the existing forested wetland and one pond encroaches into a portion of the wetland. The Virginia Stormwater Management Handbook recommends that all woody vegetation be removed within 25-feet of any pond embankment (Minimum Standard 3.01, Earthen Embankment); therefore, all vegetation adjacent to the delineated wetland will need to be removed. Given the extent of the impacts adjacent to this wetland, staff encourages the applicant to consider connecting the two facilities across a portion of the wetland to enable this facility to be constructed as a wet pond with greater pollutant removal efficiency. The provision of one facility, as opposed to two, is also an advantage in terms of ongoing maintenance, which will be performed by the County.

Response: The ponds depicted on the CDP have not been through the final engineering and design process, therefore, their size and shape will likely change from what is currently depicted. The project engineer will have to determine the characteristics of each pond and locate them in such a way so as to avoid directly impacting any jurisdictional wetlands or other Waters of the U.S., and attempt to avoid removal of any woody vegetation from the adjacent forested wetland. ERT's recommendation of creating one SWM/BMP facility is not consistent with the U.S. Army Corps of Engineers or DEQ guidance to reduce impacts and to avoid locating SWM/BMP facilities in jurisdictional wetlands and other Waters of the U.S.

The U.S. Army Corps of Engineers and DEQ have repeatedly indicated their preference for two off-line ponds (on either side of the stream or wetland) over one on-line pond for other projects with similar characteristics. Therefore, if the Applicant provides a proffer commitment to one on-line SWM/BMP pond, the U.S. Army Corps of Engineers and DEQ may decide not to issue a permit for the proposed development.

Comment: A dry pond constructed with gabion basket walls (see Photograph #2) is currently located just upstream of the project North of Trefoil Lane in the Grovewood subdivision. The County is responsible for ongoing maintenance of this facility, which has proven difficult due to its design. Therefore, staff recommends that the applicant consider coordinating with the Department of General Services and the Grovewood Homeowner's Association to remove this pond and provide the necessary stormwater treatment in conjunction with the proposed project. Removal of the facility would improve water quality, ease the maintenance burden on the County, remove an unsightly feature from an existing development, and provide an opportunity to create a landscaped green joining the two communities.

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Response: Unfortunately, as discussed with Staff at an earlier meeting, the Applicant is unable to remedy the design of a storm water management facility upstream from the Property.

Comment: The southwest corner of the project falls within the Ldn-60 1-mile airport noise buffer, as depicted on the plans. Staff recommends that a note be added to Sheets 4 and 6 indicating that the property falls within the Ldn-60 1-mile buffer, which requires disclosure to prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise in accordance with Section 4-1400 of the 1993 Revised Zoning Ordinance.

Response: Comment acknowledged. Please see Note 29 on Sheet 6 of the revised CDP.

Comment: Note 14 on Sheet 4 and Note 21 on Sheet 6 acknowledge that a portion of the property is located within the Quarry Notification Overlay District requiring disclosure to prospective purchasers. A total of 50 of the 179 townhouse units are located within the proposed Quarry Notification Overlay District. Staff recommends that the number of units located within the Quarry Notification Overlay District be significantly reduced to avoid exposure of the future residents of the subdivision to the effects of noise and vibration associated with operation of the quarry.

Response: The Chantilly Crushed Stone quarry is located more than 2,400 feet south of the proposed residential units and separated from the Property by Route 606 and land zoned for R-1 and PD-GI uses. Further, residential units have been approved at Oakgrove, east of the Property, which are located closer to the quarry than the proposed residential units. As development is permitted and has occurred within the Quarry Overlay district, Applicant does not think that Staff's suggestion is appropriate.

Comment: Staff recommends that Site 44LD927 be identified on the Existing Conditions Plat (Sheet 4) and the CDP Combined Plan (Sheet 9). Staff further recommends that Note 15 on Sheet 4 be updated to indicate that both sites pertain to this rezoning. Staff defers to Heidi Siebentritt, Preservation Planner, for further analysis of the archeological resources identified on the property.

Response: Comment acknowledged. Sheets 4 and 9 of the CDP have been revised to show Site 44LD927 and also Site 44LD928. However, an assessment of these sites has indicated that no additional archaeological work is necessary, as confirmed by the enclosed letter from Thunderbird, dated October 2, 2007.

Loudoun County Office of Transportation Services

Staff comments from the first referral, along with the Applicant's response (quoted directly from its April 18, 2007 response letter) and issue status, are provided below.

1. **Initial Staff Comment:** *As noted above, the Applicant's traffic study does not provide level of service (LOS) analyses for facilities likely to be in place in the project buildout year (2008) and forecast year (2020). This information needs to be provided in order for staff to*

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complete its evaluation of the proposed development's impacts on the regional road network.

Applicant's Response: Please see an update to the traffic study enclosed with this letter.

Issue Status: LOS analyses for the Route 606 intersections with Douglas Court, Oakgrove Road, and Rock Hill Road were provided with the Applicant's April 20, 2007 traffic study update (please refer to the May 24, 2007 OTS referral for this document). These LOS analyses, however, are based on a development program of 132 dwelling units, not the 179 unit total currently proposed. While the incremental differences in unit counts would not result in a significant decrease in LOS, the Applicant should provide corrected LOS analyses (based on 179 dwelling units) for review. The larger issue with the LOS analyses, however, remains the unrealistic overall assumptions regarding improvements to be in place at the time of projected project buildout in 2008 (e.g., widening of Route 606 to six lanes; installation of additional turn lanes at the Route 606/Oakgrove Road intersection; signalization of the Route 606/Douglas Court intersection), which the Applicant's analyses indicate are necessary (even with 132 dwelling units) in order to provide adequate LOS (defined as LOS D or better per the Revised Countywide Transportation Plan) in this segment of the Route 606 corridor. The Applicant needs to identify and provide physical improvements which result in improved LOS in the vicinity of the site. Further discussion of this matter is necessary. Issue not resolved.

Response: In considering traffic improvements associated with this application, the Applicant notes that the traffic problems surrounding the Property can not be rectified by this application. Further, traffic generated by the proposed development would not significantly decrease the overall level of service of the intersections surrounding the Property. However, the Applicant has revised the draft proffers to increase the proposed regional road improvement contribution from \$3,000 to \$4,800 per unit and suggests that these funds should be used by Loudoun County in the Oak Grove area for transportation improvements such as, but not limited to, extending Davis Road from its current terminus to Route 606, improvements to the intersection of Oak Grove Road and Route 606, extension of the existing left turn lane from eastbound Route 606 to Oak Grove Road, and warrant study and signal design for Route 606 and Douglas Court.

2. Initial Staff Comment: Significant regional road improvements are needed to provide safe and adequate access to the site at an acceptable level of service.

Applicant's Response: The Applicant understands that the background traffic is significant in the area of the Property. Applicant respectfully submits that it should not be the burden of this application to resolve the traffic conditions created by other already approved applications in the vicinity of the Property. Notwithstanding the foregoing, Applicant's enclosed draft proffers include commitments to make regional transportation contributions and monies for the widening of Oakgrove Road to the County.

Issue Status: Staff does not dispute the fact that there is significant background traffic on Route 606 and surrounding roads in the vicinity of the site, but the Applicant's position in

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its traffic study update (i.e., that the proposed development would result in conditions that are essentially no worse than what would be realized anyway given background conditions) does not obviate the need to provide safe and adequate access to the site. This is particularly relevant given the unrealistic assumptions made in the traffic study update (in order to demonstrate adequate LOS) and the fact that all traffic from the site will access Route 606. As noted in the Applicant's initial traffic study, Route 606 traffic is expected to increase to levels (estimated at 48,980 ADT by 2008) that warrant widening the roadway to six lanes. The application provides no physical off-site road improvements, instead proposing a regional road contribution (\$3,000.00/unit x 179 units = \$537,000.00) and a separate contribution towards the widening of Oakgrove Road (\$57,750.00). While these proposed contributions are appreciated, physical construction of improvements is needed. Further discussion of this matter is necessary. Issue not resolved.

Response: Comment acknowledged. As discussed above, the Applicant has revised the draft proffers to increase the proposed regional road improvement contribution and has suggested improvements in the Oak Grove area that such monies should be allocated towards.

3. Initial Staff Comment: As noted above and in the traffic study, significant regional road improvements are necessary to accommodate future background traffic at an acceptable level of service (LOS D or better) in this part of the Route 606 corridor. A portion of the Applicant's regional road commitment to provide safe and adequate access to the site should include completion of the Oakgrove Road widening to a four-lane undivided section just north of Route 606.

Applicant's Response: Applicant understands that the background traffic is significant in the area of the Property. Applicant respectfully submits that it should not be the burden of this application to resolve the traffic conditions created by other already approved applications in the vicinity of the Property. Notwithstanding the foregoing, Applicant's enclosed draft proffers include commitments to make regional transportation contributions and monies for the widening of Oakgrove Road to the County. The portion of Oakgrove Road that OTS would like to see widened involves both developed and undeveloped parcels that are not within the control of the Applicant; notwithstanding the foregoing, please see a commitment in the proffers to contribute funds to the County for the widening of Oakgrove Road.

Issue Status: The Applicant's traffic study update (based on 132 dwelling units) indicates that the Route 606/Oakgrove Road intersection will operate at failing LOS even with a traffic signal and a separate southbound left turn lane on Oakgrove Road (the traffic signal is warranted and funded, and design is currently underway by VDOT). A separate left turn lane cannot be installed without widening Oakgrove Road to a four-lane section, which is necessary regardless of the number of trips generated by the proposed development in order to provide safe and adequate access to the site. The Applicant's proposal to provide a contribution (\$57,750.00) to fund a portion of the Oakgrove Road widening does not accomplish this objective. The Applicant should commit to completion of a four-lane (U4) section of Oakgrove Road (with necessary turn lanes) between Route 606 and Trefoil Lane (improvements are needed along the west side of Oakgrove Road from Route 606

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northward for a distance of approximately 750 feet; improvements consistent with a four-lane section have been constructed by others along the entire east side of Oakgrove Road from Route 606 to Trefoil Lane). Issue not resolved.

Response: A revised Traffic Study was submitted with the first referral response letter and confirmed that the Applicant is proposing to develop 179 townhomes at the Property. We have enclosed with this letter additional copies of the Traffic Study. As discussed above, the Applicant has revised the draft proffers to increase the proposed regional road improvement contribution.

4. Initial Staff Comment: *The Applicant should consider reserving right-of-way for a future street connection in the northeast corner of the site to link to Hall Road once other properties in the area develop. Such a connection would provide for improved circulation and emergency vehicle access to the area.*

Applicant's Response: *Applicant has proposed access to the community via Trefoil Lane and Grammercy Terrace (subject to approval by the Encore at Oak Grove HOA). Notwithstanding these additional two entrances, Applicant has reserved right-of-way for Hall Road should a street connection be necessary in the future.*

Issue Status: *The referenced right-of-way reservation is not shown on the plat, and the Applicant's response is not consistent with the responses provided to Comments #4 and #5 in VDOT's first referral. The Applicant needs to clarify its position on this matter. Please note that OTS is not advocating a through street connection to the future Davis Drive corridor. Additional local road access to the site from Oakgrove Road via Hall Road would provide improved circulation and emergency vehicle access to the area, particularly given the apparent uncertainty regarding the proposed street connection with Grammercy Terrace. Issue not resolved.*

Response: Applicant has shown the required right-of-way on the CDP and is happy to discuss this connection with Staff, but continues to believe that such improvements would not be possible.

5. Initial Staff Comment: *Please confirm that the proposed street connection to Grammercy Terrace is acceptable to the Encore at Grovewood Homeowners' Association (HOA) as Grammercy Terrace is a private street that is currently maintained by the HOA.*

Applicant's Response: *Applicant understands that it will need to coordinate with Encore at Oak Grove HOA for consent to connect with Grammercy Terrace. Applicant will be happy to confirm the results of such negotiations as soon as possible.*

Issue Status: *Please advise as to the status of negotiations/coordination with the adjacent HOA. Without the Grammercy Terrace connection, the connection to the existing portion of Hall Road (recommended by VDOT) takes on even greater importance. Issue not resolved.*

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Response: The Applicant continues to discuss this with the HOA and shall provide information to OTS as soon as available.

6. Initial Staff Comment: Pursuant to the Facilities Standards Manual (FSM), private street categories/standards are determined by estimated traffic volumes. Please include estimated average daily trips (ADT) for each private street shown on the plat as this will dictate the private street category that is required.

Applicant's Response: Acknowledged. Please see the enclosed updated CDP for the requested information.

Issue Status: Private road categories and vehicle counts shown on plat are consistent with FSM requirements. Issue resolved.

Response: Comment acknowledged and appreciated.

7. Initial Staff Comment: An appropriate transit contribution should be provided for the residential units proposed on site. Other similar approved applications have agreed to \$500.00 per unit for such services.

Applicant's Response: Acknowledged. Please see the enclosed proffer statement to confirmation of this commitment.

Issue Status: While per unit transit contributions have been requested and provided with many previous rezoning applications, OTS is moving toward alternative approaches to transit service provision. Specifics regarding transit service to this site require further discussion. Issue not resolved.

Response: Given the size and magnitude of the proposed development, Applicant does believe that a specific or dedicated approach to transit service provision is appropriate for this rezoning. As set out in the draft proffers, Applicant has provided a commitment to a contribution of \$500 per residential unit.

Virginia Department of Transportation

Comment: Contributions for area signals should be proffered. As proposed, the site will not provide additional access points to the west, which will add significant traffic to the access at Rt. 606.

Response: The proffers approved with the rezoning of the Hall Road property require (by such applicant) the construction and bonding of a traffic signal at Route 606 and Oakgrove Road prior to the issuance of the 20th zoning permit for that property. Further, the proffers approved with the 1991 Grovewood rezoning require a contribution of \$22,874 towards the same traffic signal.

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In considering traffic improvements associated with this application, the Applicant notes that the traffic problems surrounding the Property can not be rectified by this application alone. Further, traffic generated by the proposed development would not significantly decrease the overall level of service of the intersections surrounding the Property. However, the Applicant has revised the draft proffers to increase the proposed regional road improvement contribution from \$3,000 to \$4,800 per unit and is has suggested improvements in the Oak Grove area that such monies should be allocated towards.

Comment: Trefoil Lane should be extended to the west beyond the site's property to provide a better grid system of streets in this area. It is understood the county has changed the comprehensive plan contrary to this recommendation. The proposed layout does not provide any alternatives to access the site or the local residential area. This forces all of the residential traffic onto Rt. 606. Interconnectivity for local traffic is extremely important to improve levels of service on the main collector routes.

Response: The Applicant is concerned that the extension of Trefoil Lane to the west would allow the proposed residential neighborhood and its private streets to become a cut-through route. Additionally, such a connection may ultimately lead to the route being used by traffic associated with the commercial and industrially zoned parcels to the west.

Comment: The eastbound left turn lane on Rt. 606 at Oak Grove Road is inadequate in length. The additional traffic generated by this site will create queues which spill over into the through lanes of Rt. 606, creating possible gridlock situations during peak periods. This left turn lane needs to be lengthened to accommodate the volumes making the left turn movement at this intersection.

Response: As discussed above, the Applicant is aware that the traffic generated by the proposal would not result in a significant decrease in the overall level of service of intersections surrounding the Property. However, the Applicant has revised the draft proffers to increase the proposed regional road improvement contribution from \$3,000 to \$4,800 per unit.

We trust that this letter suitably responds to each of Staff's comments. Should you require any further information, please do not hesitate to contact me.

Sincerely,



Colleen Gillis Snow

cc: Kevin Crown – The Peterson Companies
Dave McElhaney, P.E. – Urban
Ben Wales, Cooley Godward Kronish LLP

339075 v3/RE

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October 29, 2007

Mike Elabarger
Project Manager
Department of Planning
Loudoun County
1 Harrison Street, S.E., 3rd Floor
Leesburg, VA 20177

**Re: ZMAP 2005-0038 – The Townes at Autumn Oaks
3rd Referral Summary Report**

Dear Mike:

Thanks again for meeting with us to discuss outstanding Staff/Agency comments concerning the above-referenced rezoning application and at the subsequent meeting with OTS Staff. This letter responds to any of the outstanding comments that we heard at the meeting. We have also enclosed revised proffers for the application and a revised Statement of Justification, which has been revised to confirm the requested Zoning Ordinance modifications. Each comment that we have received is summarized (noted in *italics*) and followed by the Applicant's response.

Department of Building and Development – Zoning Administration

Comment: Staff believes that the applicant needs to demonstrate why rezoning the property to the R-8 district is not feasible. The intent of the PDH district is to provide for a mix of uses in a neighborhood setting plus supporting non-residential uses in a planned environment.

Response: The Property was the subject of a CPAM application, which approved high density residential development at up to eight dwelling units per acre so as to be generally consistent with the surrounding neighborhoods. The Applicant seeks to rezone the Property to the PDH-6 district, administered as the R-8 district. By rezoning the Property to the PD-H6 district, the Applicant is able to seek the proposed buffer reductions adjacent to the Encore at Oak Grove neighborhood.

Specifically, this application is proposing important open space and active recreation facilities that will help to supplement the existing facilities at Encore at Oak Grove. The provision of these important community amenities will serve not only the residents of the subject Property, but also the neighboring Encore at Oak Grove. The buffer reductions, coupled with the location of the tot lot and playfield along the eastern Property boundary will allow easier access and integration between the Property and Encore at Oak Grove. Perhaps most importantly the requested buffer reductions will allow residents of the Encore at Oak Grove to feel some level of ownership and enjoyment for these community amenities.

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Mike Elabarger

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It is important to note that the Applicant has not requested buffer reductions along all boundaries of the community. To mitigate the requested buffer reductions on the eastern Property boundary, the Applicant has proposed buffers that exceed Zoning Ordinance requirements along other boundaries of the Property. The rezoning of the Property to the R-8 district would prevent the buffer reduction request and prevent access from and integration with the Encore at Oak Grove neighborhood.

In order to achieve the plan density while providing similar and complementary product type (single family attached), the development would be located more centrally in the Property. The buffer would be uniform along all sides of the Property and would likely function more as its own insular community. Applicant respectfully submits that this doesn't result in the best planning for this Property nor the best environment for this area of Loudoun County.

Residential development surrounding the Property and the adjoining parcels predominantly comprises single family-detached units. The Applicant believes that the existing and proposed townhomes will help create a balanced mix of residential unit types in this area. Further, the Property is in close proximity to the Oak Grove Shopping Center and retail services and facilities within the Route 606 and Route 28 corridors.

Comment: Staff believes that the modification of Section 5-1414(B)(4) is not necessary as section 5-1403(B) of the Zoning Ordinance provides for the use of existing vegetation as required plantings.

Response: Comment acknowledged. The modification of this section of the Zoning Ordinance is no longer being requested.

Loudoun County Department of Planning – Community Planning

Comment: Staff recommends the applicant commit to enhanced entryways adjacent to both sides of the Trefoil Lane access that is reflective of the type of enhancements included in the Illustrative Amenity Plan and to include a combination of features and amenities, including landscaping, benches, low seating walls, special paving treatment, signage, public art, and water features to enhance the identity and character of the development. A commitment to enhanced entryways through a combination of features and amenities can be counted towards the interior open space requirement for the development.

Response: Comment acknowledged. Please review Proffer XI of the revised draft proffers.

Comment: Staff recommends the applicant depict a continuous sidewalk system on Sheet 5 of the CDP. Staff also recommends the applicant commit to depicting a typical cross section for private roads on Sheet 6 of the CDP that shows a minimum 4-foot wide vegetated buffer with canopy shade trees planted in a regularly-spaced, linear pattern within the buffer. Staff

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suggests one way to increase the vegetated buffer is to reduce the width of the typical roadway width depicted on the typical cross section from 25 feet to 20-22 feet.

Response: As previously discussed, a 5-foot sidewalk is shown throughout the Property, except along the frontage of the townhomes at the northern edge of the development. Given the location of these townhomes, the low level of pedestrian traffic anticipated in this portion of the Property, the lack of any meaningful pedestrian destination and the availability of sidewalk on the southern side of such road, Applicant believes that a sidewalk is not necessary. Additionally, provision of this sidewalk will increase impervious surface and increase the maintenance burden on the HOA.

Comment: Staff recommends that the Applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100% of the AML.

Response: Comment acknowledged. Please see Proffer IX of the revised draft proffers, which provides a commitment to make a \$500 contribution for each market-rate unit constructed at the Property.

Loudoun County Building and Development – Environmental Review Team

Comment: Two possible Stormwater Management (SWM)/Best Management Practice (BMP) ponds are currently depicted on the Concept Development Plan (CDP). Note 24 on Sheet 6 indicates that the ponds may be either wet or dry. The two ponds are currently located within 25 feet of the existing forested wetland and one pond encroaches into a portion of the wetland. The Virginia Stormwater Management Handbook recommends that all woody vegetation be removed within 25-feet of any pond embankment (Minimum Standard 3.01, Earthen Embankment); therefore, all vegetation adjacent to the delineated wetland will need to be removed. Given the extent of the impacts adjacent to this wetland, staff encourages the applicant to consider connecting the two facilities across a portion of the wetland to enable this facility to be constructed as a wet pond with greater pollutant removal efficiency. The provision of one facility, as opposed to two, is also an advantage in terms of ongoing maintenance, which will be performed by the County.

Response: According to our wetlands consultant and as suspected by Laura Edmonds, such a proposal will not be approved by the Army Corps of Engineers or the Virginia Department of Environmental Quality. Such lack of support would be based, at least in part, on the availability of an alternative storm water management design and the absence of any diminished economic return to provide the two-pond storm water management design.

Comment: Note 14 on Sheet 4 and Note 21 on Sheet 6 acknowledge that a portion of the property is located within the Quarry Notification Overlay District requiring disclosure to prospective purchasers. A total of 50 of the 179 townhouse units are located within the proposed Quarry Notification Overlay District. Staff recommends that the number of units

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located within the Quarry Notification Overlay District be significantly reduced to avoid exposure of the future residents of the subdivision to the effects of noise and vibration associated with operation of the quarry.

Response: As discussed with Staff, the Chantilly Crushed Stone quarry is located more than 2,400 feet south of the proposed residential units and separated from the Property by Route 606 and land zoned for R-1 and PD-GI uses. Further, residential units have been approved at Oakgrove, east of the Property, which are located closer to the quarry than the proposed residential units. As development is permitted and has occurred within the Quarry Overlay district, Applicant respectfully submits that Staff's suggestion to reduce or eliminate residential units is inappropriate.

Notwithstanding the above and as suggested by Staff, the Applicant has revised the draft proffers to include a commitment requiring that all new residents at the Property sign a disclosure confirming acknowledgement that their residential unit lies within a quarry notification overlay district.

Loudoun County Office of Transportation Services

Staff comments from the first referral, along with the Applicant's response (quoted directly from its April 18, 2007 response letter) and issue status, are provided below.

1. **Initial Staff Comment:** *As noted above, the Applicant's traffic study does not provide level of service (LOS) analyses for facilities likely to be in place in the project buildout year (2008) and forecast year (2020). This information needs to be provided in order for staff to complete its evaluation of the proposed development's impacts on the regional road network.*

Applicant's Response: *Please see an update to the traffic study enclosed with this letter.*

Issue Status: *LOS analyses for the Route 606 intersections with Douglas Court, Oakgrove Road, and Rock Hill Road were provided with the Applicant's April 20, 2007 traffic study update (please refer to the May 24, 2007 OTS referral for this document). These LOS analyses, however, are based on a development program of 132 dwelling units, not the 179 unit total currently proposed. While the incremental differences in unit counts would not result in a significant decrease in LOS, the Applicant should provide corrected LOS analyses (based on 179 dwelling units) for review. The larger issue with the LOS analyses, however, remains the unrealistic overall assumptions regarding improvements to be in place at the time of projected project buildout in 2008 (e.g., widening of Route 606 to six lanes; installation of additional turn lanes at the Route 606/Oakgrove Road intersection; signalization of the Route 606/Douglas Court intersection), which the Applicant's analyses indicate are necessary (even with 132 dwelling units) in order to provide adequate LOS (defined as LOS D or better per the Revised Countywide Transportation Plan) in this segment of the Route 606 corridor. The Applicant needs to identify and provide physical*

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improvements which result in improved LOS in the vicinity of the site. Further discussion of this matter is necessary. Issue not resolved.

Response: The Applicant's traffic engineer has met with OTS Staff and is preparing an addendum to the Traffic Study. The addendum will be submitted to Staff as soon as possible.

2. Initial Staff Comment: *Significant regional road improvements are needed to provide safe and adequate access to the site at an acceptable level of service.*

Applicant's Response: *The Applicant understands that the background traffic is significant in the area of the Property. Applicant respectfully submits that it should not be the burden of this application to resolve the traffic conditions created by other already approved applications in the vicinity of the Property. Notwithstanding the foregoing, Applicant's enclosed draft proffers include commitments to make regional transportation contributions and monies for the widening of Oakgrove Road to the County.*

Issue Status: *Staff does not dispute the fact that there is significant background traffic on Route 606 and surrounding roads in the vicinity of the site, but the Applicant's position in its traffic study update (i.e., that the proposed development would result in conditions that are essentially no worse than what would be realized anyway given background conditions) does not obviate the need to provide safe and adequate access to the site. This is particularly relevant given the unrealistic assumptions made in the traffic study update (in order to demonstrate adequate LOS) and the fact that all traffic from the site will access Route 606. As noted in the Applicant's initial traffic study, Route 606 traffic is expected to increase to levels (estimated at 48,980 ADT by 2008) that warrant widening the roadway to six lanes. The application provides no physical off-site road improvements, instead proposing a regional road contribution (\$3,000.00/unit x 179 units = \$537,000.00) and a separate contribution towards the widening of Oakgrove Road (\$57,750.00). While these proposed contributions are appreciated, physical construction of improvements is needed. Further discussion of this matter is necessary. Issue not resolved.*

Response: Comment acknowledged. Please see the revised proffer statement, which provides a commitment to widen Oakgrove Road between its intersection with Route 606 and the portion of the road which has previously been widened.

3. Initial Staff Comment: *The Applicant should consider reserving right-of-way for a future street connection in the northeast corner of the site to link to Hall Road once other properties in the area develop. Such a connection would provide for improved circulation and emergency vehicle access to the area.*

Applicant's Response: *Applicant has proposed access to the community via Trefoil Lane and Grammercy Terrace (subject to approval by the Encore at Oak Grove HOA). Notwithstanding these additional two entrances, Applicant has reserved right-of-way for Hall Road should a street connection be necessary in the future.*

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***Issue Status:** The referenced right-of-way reservation is not shown on the plat, and the Applicant's response is not consistent with the responses provided to Comments #4 and #5 in VDOT's first referral. The Applicant needs to clarify its position on this matter. Please note that OTS is not advocating a through street connection to the future Davis Drive corridor. Additional local road access to the site from Oakgrove Road via Hall Road would provide improved circulation and emergency vehicle access to the area, particularly given the apparent uncertainty regarding the proposed street connection with Grammercy Terrace. Issue not resolved.*

Response: Please see Sheet 5 of the CDP, which has been revised to show a proposed connection with Hall Road to provide access for emergency vehicles.

Virginia Department of Transportation

***Comment:** Contributions for area signals should be proffered. As proposed, the site will not provide additional access points to the west, which will add significant traffic to the access at Rt. 606.*

Response: As discussed at the recent meeting, based on the contributions by others (associated with the approved Hall Road rezoning application, for example), a traffic signal at the intersection of Route 606 and Oakgrove Road has been fully funded.

Applicant has revised the draft proffers to include a commitment to extend the left turn lane on eastbound Route 606 (from the median) for vehicles turning onto Oakgrove Road. This extended turn lane will allow for the staging of an increased number of vehicles.

Parks Recreation and Community Services

***Comment:** Staff notes that only one playfield is identified on the CDP, the comment response letter mentions "a number of play fields" and the proffer statement does not mention play fields at all. The comment response letter mentioned and the CDP shows two tot lots, while the proffer statement only mentions one. Staff recommends revising or explaining these discrepancies. In addition, the proffers indicate the construction of "at least one (1) pavilion" and the CDP shows a possible location for a pavilion.*

Response: As shown on the CDP, the Applicant is proposing one play field in the southeastern portion of the Property. The play field is also described in Proffer III of the draft proffers, which also confirms that two tot lots are proposed by this application.

The CDP and draft proffers correctly show that one picnic pavilion is proposed by this application. As shown on Sheet 5 of the CDP, the pavilion will be located within the proposed community green.

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Comment: Sheet 5 of the CDP identifies the trails as either 6' or 8'. Comprehensive Planning Staff have identified that the adjacent development, Brooks Assemblage, has a 6' wide trail. PRCS is in agreement that providing 6' trails would be adequate and consistent.

In addition, the trail connection to Hall Road appears to be a sidewalk. Staff recommends upgrading this facility to a 6' asphalt trail, and revising the graphic delineation accordingly. Staff recommends that if the Applicant is unable to obtain permission from the adjacent property owner for a connection to the trail system, then the proposed connection should at least be extended to the proposed Hall Road Right-of-Way that adjoins the subject property. Please revise the CDP accordingly.

Response: As shown on Sheet 5 of the CDP and as agreed to by Staff during our recent meeting, all trails proposed by this application shall be 6 feet wide. The Applicant has revised Sheet 5 to show a trail connection from the Property to Hall Road and the Brookhaven community.

Comment: The tot lot proposed along Grammercy Terrace near the eastern property line is not centrally located. While Staff applauds the Applicant's efforts to provide a facility for a wider use, the tot lot must serve the community first. Therefore, the tot lot is still not centrally located. Please revise the CDP accordingly.

Response: As discussed with Staff at a recent meeting, the Applicant sees the proposed tot lot as providing an important facility for residents of the proposed development as well as residents of the adjacent Encore at Oakgrove neighborhood. Applicant sees the proposed development as a logical extension of the existing residential neighborhoods in this area and seeks to encourage visual and physical integration between the residential areas. Applicant, therefore, believes that the tot lot is appropriately located to provide for residents of the proposed facility and the adjacent residential properties at Encore at Oakgrove.

Comment: In the northwestern corner of the property, the Applicant was proposing an 8' trail terminating into a 4' sidewalk. Staff recommended that the trail be adjusted to connect directly to the end of the private street. The CDP was revised, but to show a continuous 5' sidewalk.

Response: Sheet 5 shows that all trails at the Property will be 6-feet wide and composed of a hard surface. Further, all sidewalks will be 5 feet wide. We believe that this provides the consistency requested by Staff.

Comment: Staff requests additional detailed information on the variety of different uses anticipated for the proposed play field. Staff would like the Applicant to confirm whether the play field is to be used for structured, public recreational activities.

Response: As confirmed in the draft proffers, the play field will be seeded and graded for active play. The Applicant does not intend for the play field to be used for structured, public recreational activities.

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We trust that this letter suitably responds to each of Staff's comments. Should you require any further information, please do not hesitate to contact me.

Sincerely,

Colleen Gillis Snow

cc: Kevin Crown – The Peterson Companies
Dave McElhaney, P.E. – Urban
Ben Wales, Cooley Godward Kronish LLP

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